

Democratic Services Committee

Meeting Venue
By Teams

Meeting date
Monday, 19 October 2020

Meeting time
10.00 am

For further information please contact
Carol Johnson
01597 826206
carol.johnson@powys.gov.uk



County Hall
Llandrindod Wells
Powys
LD1 5LG

13-10-2020

Mae croeso i chi siarad yn Gymraeg neu yn Saesneg yn y cyfarfod.
Rhowch wybod pa iaith rydych am ei defnyddio erbyn hanner dydd, ddau ddiwrnod
gwaith cyn y cyfarfod.
You are welcome to speak Welsh or English in the meeting.
Please inform us of which language you wish to use by noon, two working days
before the meeting.

AGENDA

1.	APOLOGIES FOR ABSENCE
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To receive apologies for absence.

2.	MINUTES OF PREVIOUS MEETING(S)
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To authorise the Chair to sign the minutes of the previous meeting(s) of the
Committee as a correct record.

- Minutes 07-02-2020

(Pages 3 - 6)

3.	DECLARATIONS OF INTEREST
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To receive and consider declarations of interests from Members relating to items to
be considered on the agenda.

4.	CONSTITUTION AND OTHER MATTERS
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To consider the report from the Solicitor to the Council.

(Pages 7 - 86)

**MINUTES OF A MEETING OF THE DEMOCRATIC SERVICES COMMITTEE
HELD IN CHAMBER ON FRIDAY, 7 FEBRUARY 2020**

PRESENT: County Councillor E Vaughan (Chair)
County Councillors G Breeze; D Davies; D Jones-Poston; J Charlton; K Laurie-Parry;
K Silk; L Corfield; M Weale; S Davies; S Williams; S Hayes; K Lewis; P Roberts

Clive Pinney, Head of Legal and Democratic Services (Monitoring Officer)
Ness Young, Corporate Director: Resources and Transformation
Diane Reynolds, Interim Head of Digital Services

1.	APOLOGIES FOR ABSENCE
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Apologies for absence were received from County Councillors D Rowlands; D Evans; R Williams.

2.	DECLARATIONS OF INTEREST
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There were no declarations of interest.

3.	MEMBERS' FACILITIES AT COUNTY HALL – PROPOSED CHANGES IN THE MEMBERS' LOUNGE
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The Chair welcomed Isobel Bowen, Property Services to the meeting to update the Committee on Members' facilities in County Hall, since the last meeting. It was noted that since the last discussion at this committee, a discussion with group leaders has been held and there was a suggestion there is a need for a room to facilitate the opposition groups and that a Chairman's Office is required.

Draft plan was circulated and CP provided outline of layout for Committee's comment. CP advised that members support would sit immediately at entrance of members lounge; current chairman's office to be utilised by Cabinet; two further additional meetings rooms partitioned which would be available to any member; move chairman's office to room next to Cttee Room B; kitchen will remain. Confirmation has been received from Welsh Government that they will not provide funding to support the refurbishment of the members lounge.

The Committee raised concern regarding the cost for refurbishment and cost of lighting and requested a breakdown of the virement for members room refurbishment. The need for sound separation for meeting rooms was raised to be considered. It was confirmed that a new lift will be installed to allow people the access to this part of County Hall.

The Committee also raised concern on space. Noted that it is accepted that on full Council day it will be full, however the current members' lounge space is currently under-utilised.

RESOLVED	Reason for decision
That the proposal to utilise existing furniture is accepted.	Message is to minimise spending and cost and utilise existing furniture.
Detailed information on the cost of members room refurbishment.	To provide confirmation that this is

	value for money and complies with financial procedure and procurement rules and to ensure there is no cost avoidance.
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The Chair thanked Isobel Bowen for attending.

4.	RESOLUTION TO EXCLUDE ACCESS OF THE PUBLIC AND PRESS
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The Chair had circulated the Terms of Reference for this Committee.

The report next on the agenda is private and confidential that contains information on staff and therefore would not be appropriate for staff to learn about it through any other means other than through the formal consultation process.

The Committee were advised that the reason behind the report is to put in place a structure that enables multi-skilling to provide adequate, appropriate and a more resilient support for Members, which does result in a saving.

The Chair noted that the report refers to the Local Government Act 1972 and his understanding is that Part 1 is for England and Part 4 is for Wales. CP apologised if it has been stated wrongly.

Committee voted (4 x no; 2 x abstentions) and it was agreed that they would enter a private and confidential session to discuss the next item on the agenda.

Press left the meeting.

5.	PROPOSED CHANGES TO SUPPORT MEMBERS
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5.1 Proposed restructure of Democratic Services, Committee Service and Members Support Service

Committee were reminded that this report relates to individuals and their post and the need to respect the importance for staff to hear from their manager at the appropriate point.

The Committee considered the report regarding the proposed restructure for Democratic Services, Committee Service and Members Support Service. The proposal is to have a multi skilled team and a reduction of 2 fte in this proposal. There will be different methods of working to enable extra capacity. CP's judgement is that the degree of support will be adequate, reasonable and appropriate for the demands that members have and there will always be opportunity to review and change it if appropriate (proposal to review in 6-9 months time).

Committee raised concerns around Scrutiny and that in the past it has not been well resourced and there is a need for a really strong powerful scrutiny section and if there is a reduction, scrutiny will not be supported to the extent they require in order to grow. Members also raised concern that by an officer working across different areas, will risk putting into jeopardy the improvement made with Scrutiny. CP and NY confirmed there is commitment from the Senior Leadership

Team to continue to improve scrutiny and there is commitment that SLT fulfil their obligations to Members to scrutinise service areas.

Committee were informed that a formal review is to provide members comfort. The proposed structure should provide more resilience to all sections and there will continue to be 1:1 scrutiny officers. It was also noted that it is a legal requirement for a Democratic Services Manager role, as the law currently stands the Monitoring Officer cannot also be the Democratic Services Manager.

3:45pm – County Councillor S Hayes left the meeting.

Committee was advised that officers could provide further detail on the operating model and what ongoing improvements it could deliver and the support that members would receive.

The officer’s recommendation was put to the vote and approved, with a request that Committee’s concerns and anxieties on the proposal are included within the report recommendation.

RESOLVED	Reason for decision
<p>That Committee’s concerns and anxieties are noted.</p> <p>Recommendation is approved, and that a formal review of the structure is undertaken at 6 months.</p>	<p>Committee felt that 6-9 months was too long of time period.</p>

5.2 IT Support

The Chair welcomed Diane Reynolds, Interim Head of Digital Services to the meeting. The Committee considered the report regarding the proposed ICT support to Members. The Chair noted that a report with the same proposal had been considered by this Committee in April 2019 and had been rejected.

The Committee were advised that the proposed changes should not be viewed as a reflection on the current member of staff, but to put a more robust service in place.

DR brought a Service Level Agreement to Committee which set out what ICT would be provided and hold DR accountable to. This would set out a formal agreement and strengthen the service provided and provide continuity of service. The proposal is to train other officers within ICT and implement a staff rota and build on their experience of working with Members.

Members noted that the current system works well and the level of support is superb. Members asked if training for members could be offered. DR advised that Microsoft are potentially visiting in April to update members on Microsoft packages to assist with accessibility.

The officer’s recommendation was put to the vote and was agreed.

RESOLVED	Reason for decision
The proposal for the SLA for ICT	

support for Members be supported.	
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**COUNTY CLLR E VAUGHAN
CHAIR**

CYNGOR SIR POWYS COUNTY COUNCIL.

Democratic Services Committee

19th October, 2020**REPORT AUTHOR: Solicitor to the Council****SUBJECT: Constitution and Other Matters****REPORT FOR: Decision****1. Speaking at Council Meetings.**

- 1.1 The Committee is asked to consider the length of Full Council meetings. A review was undertaken of the length of Council meetings across Wales between October 2018 and March 2019 and Powys' meeting ranged between 2h 54m and 6hr 19m. The average length of meetings across Wales was 2h 39m.
- 1.2 Since May 2019 Council meetings have ranged between 2h 10m and 4h 34m with the exception of a 22m Council meeting in December 2019. Since the pandemic the 2 Council meetings held have been 4h13m and 3h 49m respectively.
- 1.3 In reviewing the Constitutions of other Councils in Wales, it has become apparent that in a number of Councils, when matters are being debated, political groups use nominated speakers to represent the views of that political group at the meeting rather than having numerous speakers from the floor. These nominated speakers would consolidate the views of each of the political groups and prevent repetition. Those members who were not members of political groups would be able to make individual submissions as usual.
- 1.4 It must be understood that if such a process is used groups will undoubtedly use different spokespersons for different topics. Members who have a completely different point to make from those already presented will at the discretion of the Chair be allowed to make those points to the meeting.
- 1.5 The Committee is asked to consider whether to trial such a process at 3 Full Council meetings for a period to be determined, to be followed by a review of that process by the Democratic Services Committee.
- 1.6 There would be alternatives which could reduce the length of Council meetings which DSC might wish to consider, but these are not recommended to DSC for the reasons stated below :
- Restricting the number of Members (irrespective of political groups) who could speak on agenda items, but the danger would be that a first come , first speak process would be undemocratic;
 - Restrict the time for each agenda item, but again this might be considered undemocratic

Recommendation to the County Council:	Reason for Recommendation:
That a trial of nominated speakers on	To review the process for debates at

behalf of political groups be undertaken at 3 Full Council meetings, followed by a review of the trial by the Democratic Services Committee.	Full Council meetings.
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2. Amendments to the Constitution

2.1 The following are the amendments to the Constitution for consideration by the Committee:

Part 4	Full Council (Appendix 1)	Rules: Questions: 4.30.1 and 4.30.2 Motions: 4.37.1; 4.43.1 Amendments: 4.49.1.5; 4.49.2	Clarification of the Rules regarding the receipt of Questions, Motions and Amendments by the Monitoring Officer
Part 7	Scrutiny Committees (Appendix 2)	Rule 7.36 – Call-In Procedure Rules Rule 7.37 – Call-In and Urgency	Arising from a report by SWAP on contract management to remove any potential conflict of interest in officer roles in the scrutiny call-in process.

Recommendation to the County Council:	Reason for Recommendation:
That the amendments to Parts 4, and 7 of the Constitution be approved.	To review and update the Constitution as necessary.

3. Review of Senior Salaries.

- 3.1 The Committee established a Working Group to undertake an annual review of Senior Salaries and make recommendations to Council at the Annual Meeting. Due to the pandemic the Working Group has not met in 2020 to undertake the annual review.
- 3.2 The Council due to the legislative requirement to publish the Members' Schedule of Remuneration by 31st July 2020, approved the Schedule at its meeting on 30th July 2020. However the Council is still able to review and amend the Schedule during the year.
- 3.3 A review of Senior Salaries for 2020 does need to be undertaken and the Committee in the first instance is asked to appoint a new Working Group. The current membership is as follows:

County Councillors:
David Evans, Diane Jones-Poston, Kathryn Silk and Roger Williams.

3.4 The Chair of the Democratic Services Committee is not in receipt of a Senior Salary and the Committee is requested to considering adding the Chair to this Working Group as a minimum to increase the number to 5 members.

Recommendation:	Reason for Recommendation:
That the Committee review the membership of the Senior Salaries Working Group and appoint 5 members to the Group.	To review the membership of the Working Group.

4. Welsh Language Forum

4.1 Attached is a report regarding the proposed establishment of a New Panel to promote the Welsh Language and to provide oversight for Welsh Language provision within the Council. **(Appendix 3 and 4)**

4.2 The Committee is asked to recommend to Full Council that the new Panel be established.

Recommendation to the County Council:	Reason for Recommendation:
(i) That a new cross cutting Panel to promote the Welsh Language and provide oversight for Welsh Language provision within the Council be approved.	To establish a new Panel to promote the Welsh Language and provide oversight for Welsh Language provision within the Council.
(ii) That the membership of the Panel as set out in the report be approved/	

5. Scrutiny Improvement.

5.1 As part of the ongoing improvement journey for scrutiny, there has been a discussion with Group Leaders as to how this could be progressed and a number of suggestions are recommended to the Committee for consideration, namely:

- Mentoring and coaching for Chairs and Vice-Chairs
- Reviews of Chairs
- Reviews of members of scrutiny committees

5.2 It is important to state, at the outset that this should not be seen as a negative exercise, or something to be feared. The aim of all of these proposals is to try to improve the engagement of scrutiny participants, seek constructive criticism (i.e. critical friend) and aid the positive development and learning of individual Members so that there is a higher engagement by Members in the scrutiny process, with committees operating effectively with all participants contributing to achieve that aim.

5.3 Officers have been in discussion with the WLGA about undertaking the Coaching / Mentoring of Chairs. It has been confirmed that during the current period WLGA can provide this at no cost to the Council. The proposal for consideration is as follows:

- (i) Coaching / Mentoring to be offered to the Chairs of the 3 Scrutiny Committees initially. This could be extended to Vice-Chairs once the process has been tested. This would involve an initial conversation between the Member and Coach / Mentor (2 hours maximum), followed by the observation of a meeting and then one to one feedback to those individual Members.
- (ii) Reviews of committee members – a simple process needs to be devised to incorporate questions around:
 - Does the Member engage in their scrutiny committee meetings, how often, is this dependent on the subject being considered.
 - What are the barriers preventing them from asking questions. Is this around background knowledge, are the ways that reports are written not helpful, are there any other reasons why they do not wish to contribute.
 - What would assist members engage.
- (iii) The results of the review in (ii) would be consolidated into an anonymised list of points and can have a two-fold impact:
 - (a) This could be used for a discussion between the Scrutiny Manager and the Chair of the Committee (possibly involving the Coach / Mentor as well) as there could be implications for the way that committees are run, or agendas set or the way that committees are chaired.
 - (b) The list of barriers and suggestions for improvements could drive new ways of working for scrutiny committees generally but also highlight specific training requirements for Scrutiny Members. These could be added to the Member Development Programme

5.4 This simplified process removes the need for peer to peer comments and therefore focuses on processes rather than individuals. The whole process also needs to be voluntary as forcing members to take part would not be helpful to the overall aim which is to improve scrutiny.

5.5 The Committee's views on these proposals are sought.

Recommendation to the County Council:	Reason for Recommendation:
<p>(i) That to continue the improvement of scrutiny in Powys that the following proposals be approved:</p> <ul style="list-style-type: none"> • Mentoring and coaching for Chairs of scrutiny initially and extended to Vice-Chairs at a later time • reviews of Chairs • Reviews of members of committees <p>(ii) That a mentoring / coaching and</p>	<p>To continue the improvement of scrutiny in Powys.</p>

review scheme be established and implemented as set out in the report.	
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Relevant Policy (ies):			
Within Policy:	Y	Within Budget:	Y

Relevant Local Member(s):	N/A
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Person(s) To Implement Decision:	Wyn Richards
Date By When Decision To Be Implemented:	

Contact Officer:	Wyn Richards, Scrutiny Manager and Head of Democratic Services.
Tel:	01597-826375
Email:	wyn.richards@powys.gov.uk

Background Papers used to prepare Report:

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SECTION 4 – FULL COUNCIL

Introduction

4.1 The Full Council is a formal meeting of all Councillors. The Full Council is required by law to take certain important decisions including setting the Council's Budget and Council Tax and approving a number of key plans and strategies, which together form the Policy Framework (listed below). It is responsible for all of the functions not the responsibility of the Cabinet. It will carry out some functions itself, but others will be delegated to Committees or named Officers.

The Policy Framework

4.2 The Policy Framework means the following plans and strategies:

Plan, Scheme and Strategy	Reference
• Children and Young People's Plan;	• Regulations made under Section 26 of the Children Act 2004 (c.31)
• Best Value Performance Plan;	• Section 6(1) of the Local Government Act 1999 9c.27)
• Community Strategy;	• Section 4 of the Local Government Act 2000 (c.22)
• Crime and Disorder Reduction Strategy;	• Sections 5 and 6 of the Crime and Disorder Act 1998 9c.37)
• Health and Well-Being Strategy;	• Section 24 of the National Health Service Reform and Health Care professions Act 2002 9c.17)
• Local Transport Plan;	• Section 108 of the Transport Act 2000 (c.38)
• Plans and alterations which together comprise the Development Plan;	• Section 10A of the Town and Country Planning Act 1990 (c.8)
• Welsh Language Scheme;	• Section 5 of the Welsh Language Act 1993 (c.38)
• Youth Justice Plan;	• Section 40 of the Crime and Disorder Act 1998 (c.37)
• Powers to approve a Young People's Partnership Strategic Plan and a Children and Young Peoples Framework Partnership	• Section 123, 124 and 125 of the Learning and Skills Act 2000 (c.21)
• Housing Strategy;	• Section 87 of the Local Government Act 2003 (c.26)
• Rights of Way Improvement Plan;	• Section 60 of the Countryside and Rights of Way Act 2000 (c.37)
• Pay Policy	• Section 38(1) of the Localism Act 2011

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• Single Integrated Plan	• Part 2 – Local Government (Wales) Measure 2009¹
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The Single Integrated Plan (The One Powys Plan)

4.3 This replaces four of the existing plans and strategies which formed part of the Policy Framework, namely the Community Strategy, the Children and Young People's Plan, the Health, Social Care and Wellbeing Strategy and the Community Safety Partnership Plan.

The Budget

4.4 The Budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits. The Full Council will decide the Council's overall revenue budget and overall capital budget and any changes to these. (See Section 15 for how the Council can change the Policy Framework or Budget referred to it for approval by the Cabinet.)

Housing Land Transfer

4.5 Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the National Assembly for Wales for a programme either:

4.5.1 by Full Council to dispose of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993: or

4.5.2 to dispose of land used for residential purposes where approval is required under section 32 or 43 of the Housing Act 1985.

Functions of the Full Council

4.6 Only the Full Council will exercise the following functions:

4.6.1 adopting and changing the Constitution;

4.6.2 approving or adopting the Single Integrated Plan (The One Powys Plan), Policy Framework, the Budget and any application to the National Assembly for Wales in respect of any Housing Land Transfer;

4.6.3 subject to the urgency procedure contained in the Access to Information Procedure Rules in Section 14 of this Constitution, making decisions about any matter in the discharge of an Executive Function which is covered by the Policy Framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the budget;

4.6.4 appointing and removing the Leader;

4.6.5 making appointments to the committees of the Council

4.6.6 making appointments of Chairs of the Scrutiny and Democratic Services committees of the Council. The Chair of a Scrutiny Committee and the Democratic Services Committee may be removed from office by a motion to

¹ Welsh Government Guidance "Shared Purpose – Shared Delivery" to Part 2 of the Local Government (Wales) Measure 2009 Rules 37 to 46.

SECTION 4 – FULL COUNCIL

- remove to Council which is put on the agenda pursuant to Rule 4.38.1.
- 4.6.7 agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them (in accordance with the Local Government and Housing Act 1989) unless the appointments have been delegated by the Council;
 - 4.6.8 changing the name of the area or conferring the title of freedom of the County;
 - 4.6.9 making or confirming the appointment of the Head of Paid Services and other Chief Officers²;
 - 4.6.10 making, amending, revoking re-enacting or adopting bylaws and promoting or opposing the making of local legislation or Private Bills;
 - 4.6.11 all Local Choice Functions set out in Section 13 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and
 - 4.6.12 all matters which by law must be reserved to the Council. For example, appointing the Chair of the Democratic Services Committee and the pay policy statement;
 - 4.6.13 appointing representatives to outside bodies unless the appointment has been delegated by the Council.
 - 4.6.14 to determine the level, and any change in the level, of the remuneration to be paid to a Chief Officer.

Membership

- 4.7 All Councillors shall be members of Full Council.
- 4.8 Substitution is not possible at meetings of the Council.

Chairing the Council

Appointment And Term Of Office Of Chair, Vice-Chair And Assistant Vice-Chair Of Council

- 4.9 The County Council will at every Annual Meeting elect from amongst its Councillors:
 - 4.9.1 The Chair of the County Council;
 - 4.9.2 The Vice-Chair of the County Council;
 - 4.9.3 The Assistant Vice-Chair of the County Council.

and the Councillors so elected will hold office until the following Annual Meeting; they resign; are dismissed by a vote of Full Council upon a Motion on Notice; cease to be a member of the Council; or are unable to act as a member of the Council due to he/she being suspended or disqualified from being a Councillor under Part 3 of Local Government Act 2000.

- 4.10 The post of Chair, Vice Chair and Assistant Vice Chair will be nominated by Councillors in Montgomeryshire, Radnorshire and Brecknockshire in rotation.
- 4.11 In the event of a vacancy occurring between Annual Meetings the County Council will appoint a new Chair, Vice-Chair or Assistant Vice-Chair (as the case may be) at an ordinary meeting following the occurrence of the vacancy.

² Defined in Section 2.2.2

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Role and Function of the Chair

4.12 The Chair of the Council and in his/her absence, the Vice Chair or Assistant Vice Chair will have the following roles and functions:

Ceremonial Role

4.12.1 The Chair of the Council:

- 4.12.1.1 is the civic leader of Powys County Council ;
- 4.12.1.2 promotes the interests and reputation of the Council and the geographic area of Powys as a whole and acts as an ambassador for both; and
- 4.12.1.3 undertakes civic, community and ceremonial activities and fosters community identity and pride.

Responsibilities of the Chair

4.12.2 The Chair of the Council will:

- 4.12.2.1 uphold and promote the purpose of the Constitution, and to interpret the Constitution with advice from the Monitoring Officer when necessary;
- 4.12.2.2 preside over meetings of the Council so that its business can be carried out fairly and efficiently and with regard to the rights of Councillors with regards to their (a) participation in the affairs of Council; (b) access to documentation and information in accordance with Section 14; and (c) the interests of the Community;
- 4.12.2.3 ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on the Cabinet are able to hold the Cabinet and Committee chairs to account;
- 4.12.2.4 ensure public involvement in the Council's activities;
- 4.12.2.5 be the conscience of the Council; and

Political Neutrality

4.12.3 The Chair, Vice-Chair and Assistant Vice-Chair of the Council during their periods of office will not be actively involved with any political group to which they belong.

4.12.4 The Chair, the Vice-Chair, the Assistant Vice-Chair of the Council, cannot be a member of the Cabinet .

Council Meetings

4.13 There are three types of Council meeting:

- 4.13.1 the Annual Meeting;
- 4.13.2 ordinary meetings; and
- 4.13.3 extraordinary meetings

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Rules of Procedure and Debate

4.14 The Council Procedure Rules contained in Rules 4.15 onwards will apply to meetings of the Full Council. Unless otherwise indicated, those rules marked:

♣	will apply to Cabinet and Cabinet Committees
▲	will apply to committee and sub-committee meetings (with the exception of Area (Shire) Committees, and the Planning, Taxi Licensing and Rights of Way Committee when performing the functions of a planning authority as defined in Section 319ZD of the Town and Country Planning Act 1990)
◆	will apply to Area (Shire) Committees meetings
■	will apply to the Planning, Taxi Licensing and Rights of Way Committee when performing the functions of a planning authority as defined in Section 319ZD of the Town and Country Planning Act 1990

Council Procedure Rules - Annual Meeting of the Council

Timing and Business

4.15 In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May. Every Annual Meeting will:

- 4.15.1 elect a person to preside if the Chair of the Council is not present. A member of the Cabinet cannot preside over a meeting of Council³;
- 4.15.2 elect the Chair of the Council (subject to 4.10 above);
- 4.15.3 elect the Vice Chair of the Council (subject to 4.10 above);
- 4.15.4 elect the Assistant Vice-Chair of the Council (subject to 4.10 above);
- 4.15.5 receive declarations of interest
- 4.15.6 receive apologies for absence
- 4.15.7 decide on any amendments to the Constitution⁴ recommended by the Democratic Services Committee
- 4.15.8 receive any announcements from the Chair, Leader and/or the Head of Paid Service;
- 4.15.9 elect the Leader of the Council, except where the Leader was appointed for a period of four years or the term of the Council at the initial annual meeting of the Council;
- 4.15.10 be informed by the Leader of the number of Councillors to be appointed to the Cabinet;
- 4.15.11 decide on the allocation of seats on political balanced committees to political

³ Schedule 12, Local Government Act 1972 (as amended)

⁴ Any amendment to the committees of the Council including their size and terms of reference as set out in the Council's Constitution are subject to any statutory constraints or limitations and provided that the Council shall appoint at least one scrutiny committee, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions under this Constitution;

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- groups in accordance with the requirements of the Local Government and Housing Act 1989
- 4.15.12 receive from political groups nominations of Councillors to serve on each of the politically balanced committees in accordance with the seats allocated to the respective political groups and to make appointments accordingly
- 4.15.13 appoint the Scrutiny Committees , Democratic Services Committee, Planning, Taxi-Licensing and Rights of Way Committee, Licensing Act 2003 Committee, Employment and Appeals Committee, Pensions and Investment Committee a Standards Committee and such other committees and sub-committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive Functions (as set out in Section 13 of this Constitution);
- 4.15.14 allocate the Chairs of Scrutiny Committees to the relevant political groups and to note the appointments to those Chairs made by the political groups
- 4.15.15 appoint the Chair of the Democratic Services Committee⁵
- 4.15.16 elect or appoint Members where vacancies occur in respect of:
- Independent Member of Standards Committee; and
 - Lay Member of the Audit Committee; and
 - Co-Opted Members of the Scrutiny Committee;
- 4.15.17 receive from the Leader any changes to the scheme of delegations (as set out in Section 13 of this Constitution);
- 4.15.18 to approve a Schedule of Members' Remuneration for the next ensuing financial year
- 4.15.19 consider any business set out in the notice convening the meeting.
- 4.15.20 other business, not specified in the summons as the Chair considers urgent, subject to the nature of the urgency being specified in the minutes PROVIDED ALWAYS that in allowing such urgent business the Chair shall have regard to the fact that the Annual Meeting of the Council is normally a civic / ceremonial occasion;
- 4.15.21 receive from political groups nominations of Councillors to serve on the Brecon Beacons National Park Authority and to make appointments accordingly
- 4.15.22 appoint 3 Councillors to the Welsh Local Government Association.
- 4.15.23 appoint 1 Councillor to the Welsh Local Government Association Co-Ordinating Committee
- 4.15.24 approve the Council's Pay Policy. Full Council has granted a dispensation for an officer nominated by the Section 151 Officer to be present during the course of the debate to answer any matters raised by members in the debate. Dispensation is also given for an officer to be present during the course of the debate to run the congress system.
- 4.16 The order of business, with the exception of Rule 4.15.1 may be altered by the Chair or decision of Council
- 4.17 Additional agenda items for the Annual Meeting next following the ordinary election of Councillors:
- 4.17.1 Receive a report from the Returning Officer as to the Councillors

⁵ Regulation 14(1) of Local Government Measure (Wales) 2011

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elected;

4.17.2 Elect the Leader **;

4.17.3 Appoint Councillors to the Standards Committee **;

4.17.4 Appoint Councillors to the Area (Shire) Committees **;

4.17.5 Make appointments of Councillors in accordance with the political balance requirements to:

- Police and Crime Panel **;
- Mid and West Wales Fire and Rescue Authority **;

** Unless terminated earlier in accordance with this Constitution, this election / appointment will be for a term expiring at the next ordinary council elections.

Ordinary Meetings

4.18 Ordinary meetings of the Council will take place in accordance with a programme decided by the Council provided that the Chief Executive and Monitoring Officer shall have authority, subject to consultation with the Chair of Council, to change the date or time of any meeting, if such change is necessary in the interest of the convenient or efficient dispatch of the Council's business. The order of business at ordinary meetings will be as follows:

4.18.1 elect a person to preside if the Chair, Vice Chair and Assistant Vice-Chair are not present. A member of the Cabinet cannot preside at a meeting of the Council⁶;

4.18.2 receive any declarations of interest from Councillors;

4.18.3 receive apologies for absence;

4.18.4 approve as a correct record the minutes of the last meeting;

4.18.5 receive any announcements from the Chair, Leader or Chief Executive

4.18.6 decide on any amendments to the Constitution recommended by the Democratic Services Committee⁷

4.18.7 where required to elect, appoint, or note the appointment, or remove Members to / from the following positions:

4.18.7.1 Chair, Vice-Chair, Assistant Vice-Chair of Council;

4.18.7.2 Leader;

4.18.7.3 Independent Member of Standards Committee;

4.18.7.4 Appoint Lay Member of the Audit Committee and Co-Opted Members of the Scrutiny Committee;

4.18.7.5 Chair of a Scrutiny Committee (excluding Chair of Audit) or Democratic Services Committee.

4.18.8 (if required due to the formation of a new political group or due to a Councillor joining a political group):

⁶ Schedule 12, Local Government Act 1972 (as amended)

⁷ Any amendment to the committees of the Council including their size and terms of reference as set out in the Council's Constitution subject to any statutory constraints or limitations and provided that the Council shall appoint at least one scrutiny committee, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions under this Constitution

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- 4.18.8.1 decide on the allocation of seats on politically balanced committees to political groups in accordance with the requirements of the Local Government and Housing Act 1989; and
 - 4.18.8.2 receive from political groups nominations of Councillors to serve on each of the politically balanced committees in accordance with the seats allocated to the respective political groups and make appointments accordingly; and
 - 4.18.8.3 allocate the Chairs of scrutiny committees to the relevant political groups and to note the appointments to those Chairs made by the political groups in accordance with the Local Government (Wales) Measure 2011;
- 4.18.9 (if required due to vacancy) note appointment of chair(s) of scrutiny committee(s) by the political group(s) in accordance with the Local Government (Wales) Measure 2011
- 4.18.10 to receive the report of the Monitoring Officer setting out appointments to fill vacancies on committees and outside bodies s/he has made in accordance with the authority delegated to him / her to make such appointments which accords with the wishes of a political group to whom the committee seat or position on the outside body has been allocated
- 4.18.11 receive written statements from the Leader and / or members of the Cabinet (which statements shall be taken as read) and any questions and answers on any of the statements;
- 4.18.12 receive reports from the Cabinet, Leader, Cabinet member, and any questions, answers and observations on any of those reports;
- 4.18.13 receive reports from any of the Council's Committees introduced by the relevant Committee Chair, and any questions, answers and observations on any of those reports;
- 4.18.14 receive reports from any of the Council's statutory officers, or Chief Officers and any questions, answers and observations on any of those reports
- 4.18.15 receive any other report that the Chief Executive considers is required to be placed before the Council and any questions, answers and observations on any of those reports
- 4.18.16 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- 4.18.17 consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework;
- 4.18.18 receive any petitions
- 4.18.19 deal with any outstanding business from the last Council meeting
- 4.18.20 receive and consider recommendations from the Cabinet and the Council's committees
- 4.18.21 consider motions of which appropriate notice has been given;
- 4.18.22 receive questions submitted in accordance with Rule 4.30 (Questions on Notice), and answers in response to those questions.
- 4.18.23 consider and debate any major issue which is relevant to the Council and its functions, for example a "state of the county" debate
- 4.18.24 to receive the report of the Monitoring Officer setting out any changes by the

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Leader in the scheme of delegation and executive functions

- 4.18.25 consider any business set out in the notice convening the meeting
- 4.18.26 other business, not specified in the summons as the Chair considers urgent, subject to the nature of the urgency being specified in the minutes
- 4.18.27 to exclude the public for the consideration of any item in accordance with the Access to Information Procedure Rules in Section 14.
- 4.18.28 The order of business, with the exception of Rule 4.18.1 may be altered by the Chair or decision of Council
- 4.18.29 No meetings of the Council, or its committees (other than Committees, Sub-Committees or Panels dealing with planning, licensing and employment matters), shall be held in the month of August, unless circumstances so require.

Extraordinary Meetings

Calling Extraordinary Meetings

- 4.19 The Chief Executive may call Council meetings in addition to ordinary meetings. Those listed below may request the Chief Executive to call additional Council meetings:
 - 4.19.1 the Council by resolution;
 - 4.19.2 the Chair of the Council;
 - 4.19.3 The Leader;
 - 4.19.4 The Head of Paid Service;
 - 4.19.5 The Monitoring Officer or the Section 151 Officer;
 - 4.19.6 any five Councillors if they have signed a requisition presented to the Chair of the Council and s/he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

Business

- 4.20 The business to be conducted at an extraordinary meeting shall be restricted to the item or items of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc, except that the Chair may at his/her absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

Time, Place and Duration of Meetings

Time and Place of Meetings

- ♣ ▲ ◆ ■⁸4.21 The time and place of meetings will be determined by the Chief Executive in consultation with the Chair and notified in the summons.

Duration of Meetings

- ♣ ▲ ◆ ■⁹4.22 At ordinary meetings, when 8 hours have elapsed after the commencement of the meeting, the Chair shall adjourn immediately after the

⁸ See Rule 4.14

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disposal of the item of business being considered at the time. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

Notice of and Summons to Meetings

♣ ▲ ◆ ■¹⁰4.23 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules in Section 14. At least 3 clear days before a meeting, the Chief Executive will send a summons signed by him/her to every Councillor by post and / or by leaving it at their usual place of residence and / or by electronic means including a link to the Members' website. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports and other documents as are available.

Chair of Meeting

4.24.1 Whenever present the Chair of Council will chair meetings of the Council. In his / her absence the Vice-Chair of Council, or in his / her absence the Assistant Vice-Chair of Council or in his/her absence the Councillor elected to preside over the meeting in accordance with Rule 4.18.1, will take the chair. The person presiding at the meeting may exercise any power or duty of the Chair. A member of the Cabinet cannot preside at a meeting of the Council

▲ ◆ ■¹¹4.24.2 At the first meeting of Committees or Sub-Committees (save the Standards Committee) in each municipal year the Committee / Sub-Committee will elect a Chair and Vice-Chair for the forthcoming 12 month period save where the Chair of Committee has been appointed by Council by the Full Council in accordance with Rules 4.15.14, 4.15.15 or Rule 4.18.7.5.

▲ ◆ ■¹²4.23.3 Whenever present the Chair of a Committee / Sub-Committee elected in accordance with Rule 4.24.2 above will chair meetings. In his / her absence the Vice-Chair of the Committee / Sub-Committee will take the chair. In the absence of the Chair and Vice-Chair the Committee / Sub-Committee will elect a Councillor to preside over the meeting. The person presiding at the meeting may exercise any power or duty of the Chair.

Conduct of Meeting

♣ ▲ ◆ ■¹³4.25 The Chair shall conduct the meeting to secure a proper, full and effective debate of business items where a decision is required and a committee or sub-committee has not previously considered the matter. The steps the Chair may take include:

⁹ See Rule 4.14

¹⁰ See Rule 4.14

¹¹ See Rule 4.14

¹² See Rule 4.14

¹³ See Rule 4.14

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- ♣ ▲ ◆ ■¹⁴4.25.1 calling for more time to allow the speaker to properly explain the matter;
- ♣ ▲ ◆ ■¹⁵4.25.2 permitting a Member to speak more than once;
- ♣ ▲ ◆ ■¹⁶4.25.3 allowing employees of the Council to advise the meeting as appropriate, having regard to the provisions of Rules 4.94 and 4.95 below;
- ♣ ▲ ◆ ■¹⁷4.25.4 allowing a full discussion of reports and matters for decision;

Quorum

- ♣ ▲ ◆ ■¹⁸ ¹⁹4.26 The quorum of a meeting will be one quarter of the whole number of Members. During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

Remote Attendance

- ♣ ▲ ◆ ■²⁰4.27 Pursuant to Section 4 of the Local Government (Wales) Measure 2011, the County Council on 22nd October, 2014 decided not to allow any Council meetings to be held in accordance with the provisions of Section 4.

Questions by Councillors

On Minutes, Reports or Statements of the Cabinet or Committees

- 4.28 A Member of the Council may ask the Leader, Cabinet member or the Chair of a Committee / Sub-Committee any question without notice directly **arising from an item in the minutes** (whether or not that minute has been approved as a true record at a subsequent meeting of the Cabinet or Committee / Sub-Committee), report or statements of the Cabinet / Cabinet member or a Committee / Sub-Committee, when that item is being received or is under consideration by the Council.

Questions from Members

- 4.29A Subject to Rule 4.30, a Councillor may ask on Notice at Full Council:

- 4.29.1 the Chair;
- 4.29.2 a member of the Cabinet;
- 4.29.3 the chair of any committee or sub-committee;
- 4.29.4 nominated Councillors of the Fire and Rescue Authority or the Brecon Beacons National Park Authority or the Police and Crime Panel

¹⁴ See Rule 4.14

¹⁵ See Rule 4.14

¹⁶ See Rule 4.14

¹⁷ See Rule 4.14

¹⁸ See Rule 4.14

¹⁹ For the quorum of the Planning, Taxi Licensing and Rights of Way Committee acting as a Planning Authority see Rule 19.92

²⁰ See Rule 4.14

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a question on any matter in relation to which the Council has powers or duties or which affects the Council other than operational matters which must be addressed as set out in Rule 4.29C

4.29B In addition to questions put under Rule 4.29A above a Councillor may ask the Leader or a Portfolio Holder a written question on any matter in relation to which the Council has powers or duties or which affects the Council other than operational matters which must be addressed as set out in Rule 4.29C at any time which must be responded to within 10 working days. All such questions and responses will be published on the council's website.

4.29C In addition to questions put under Rules 4.29A and 4.29B above a Councillor may ask the relevant Head of Service a written question on any operational matter at any time which must be responded to within 10 working days. All such questions and responses will be published on the council's website.

Notice of Questions

4.30 A Councillor may ask a question under Rule 4.29 if either:

4.30.1 written notice of the question has been ~~delivered to~~ received by the Monitoring Officer not later than 5.00 p.m. 10 Clear Days before the date of the Council meeting at which it is to be considered; or

4.30.2 the question relates to urgent matters, they have the consent of the Chair and the Councillor to whom the question is to be put and the content of the question is ~~given to~~ received by the Monitoring Officer by 5 p.m. on the day prior to the meeting.

Maximum Number of Questions

4.31 A Councillor may ask only two questions (including any urgent question(s)) under Rule 4.29 except with the consent of the Chair of the Council. With the consent of the Chair of Council a Member may substitute an urgent question for a question that has already been raised provided that the urgent question complies with Rule 4.30.2.

Order of Questions

4.32 Questions of which notice has been given under Rule 4.29 will be listed on the agenda in the order determined by the Chair of the Council.

Rejection of Questions

4.33 Questions under Rule 4.29 may be rejected if, in the opinion of the Monitoring Officer and the Chair they:

4.33.1 are not about a matter for which the Council has a responsibility and which affects the administrative area of the Council;

4.33.2 are defamatory, frivolous or offensive;

4.33.3 are substantially the same as a question which has been put at a meeting of the Council in the past six months and there has been no material change in the answer which would be given;

4.33.4 concern an item of business which is the subject of a report to the meeting;

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- 4.33.5 disclose confidential or exempt information where there is no demonstrable need to know;
- 4.33.6 are based on opinion where the factual basis for the opinion is not detailed in the question
- 4.33.7 relate to personal and confidential information of an employee (or former employee) in the view of the Monitoring Officer and / or the Section 151 Officer.

Withdrawal of Questions

- 4.34.1 A question of which notice has been given can only be withdrawn with the consent of the person asking the question;
- 4.34.2 If the Monitoring Officer considers that a response to a submitted question could be provided by a senior officer prior to the relevant Council meeting, then the Monitoring Officer may contact the Councillor concerned to ascertain whether the Councillor agrees that the question could be withdrawn.
- 4.34.3 A question which has been withdrawn under Rule 4.34.1 may only be reinstated provided that Rule 4.30 has been adhered to.

Responses

- 4.35 A response to a question or supplementary question may take the form of:
 - 4.35.1 a direct oral answer at the meeting or if it is more appropriate to supply the answer in written form, a written answer should be circulated at the meeting or later to the questioner and other Councillors (if requested). Where an oral answer is given the response shall last for no longer than 5 minutes.
 - 4.35.2 where the desired information is in a publication of the Council or other published work, by reference to that publication,

Supplementary Question

- 4.36 A Councillor asking a question under Rule 4.29 may ask one supplementary question without notice of the Councillor to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply. The Councillor asking the supplementary question may speak for no longer than 1 minute. The speech must not amount to a response or comment upon the response provided under Rule 4.35 above.

Motions on Notice

Notice

- 4.37.1 Except for motions which can be moved without notice under Rule 4.42 and in cases of urgency under Rule 4.43, written notice of every motion, must be ~~delivered to~~ received by the Monitoring Officer not later than 5.00 p.m. 10 Clear Days before the date of the Council meeting at which it is to be considered.
- 4.37.2 Each motion must have one Member to propose and another Member to second the motion and the proposer and seconder must either sign the motion or otherwise confirm by email or in writing to the Monitoring Officer that they are proposing or seconding the motion.

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Motion Set Out in Agenda

4.38.1 Motions for which notice has been given will be listed on the agenda in the order determined by the Chair.

4.38.2 If an issue arises at a meeting of a committee as to the appointment, promotion, dismissal, salary, superannuation or Conditions of Service, or as to the conduct of any person employed by the Council, such matter shall not be the subject of discussion until the Council has decided on the exercise of the power of exclusion of the public under the terms of the Access to Information Rules set out in Section 14.

Scope

4.39 Motions may be rejected if, in the opinion of the Monitoring Officer and the Chair they:

4.39.1 are not about a matter for which the Council has a responsibility and which affects the wellbeing of the administrative area of the Council;

4.39.2 are defamatory, frivolous or offensive;

4.39.3 are substantially the same as a motion which has been put at a meeting of the Full Council in the past six months;

4.39.4 concern an item of business which is the subject of a report to the meeting;

4.39.5 disclose confidential or exempt information where there is no demonstrable need to know;

4.39.6 are based upon a legally inaccurate premise;

4.39.7 relate to personal and confidential information of an employee (or former employee) in the view of the Monitoring Officer and / or the Section 151 Officer;

4.39.8 would amount to an attempt to “Call-In” a decision of Cabinet or a delegated decision made by a Portfolio Holder which would not be allowed due to application of the Call-In rules set out in Section 7.

Appointment and Removal of the Leader

4.40.1 The following process will be followed for the appointment of the Leader:

4.40.1.1 The Chair will ask for written nominations;

4.40.1.2 The Chair will declare the number of nominations for each candidate and where a candidate has been nominated by more than 1 Councillor they will be deemed to have had their nomination seconded. For candidates with a single nomination, the Chair will ask for a seconder from the floor of Council;

4.40.1.3 Those nominated will be asked whether they accept or refuse the nomination;

4.40.1.4 In the event of there being a single candidate, there will be a secret ballot and the Chair will have a casting vote.

4.40.1.5 In the event of there being more than 1 candidate, all candidates will be asked to leave the Chamber and each candidate will be invited, in alphabetical / surname order to separately make a presentation of up to 5 minutes to Council.

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- 4.40.1.6 After all presentations have been made there will be a vote by secret ballot. Where no candidate receives a majority on the first vote, the candidate with the least number of votes will be eliminated and a further vote will be taken. This procedure will be repeated until a candidate receives a majority. If the bottom 2 candidates have the same number of votes, a vote will be taken to decide the candidate to be eliminated from future votes. In the event of an equal number of votes being cast at this stage, the Chair will have a casting vote as to the candidate to be eliminated.
- 4.40.1.7 For the avoidance of doubt in the event of the last 2 candidates having the same number of votes, the Chair will have a casting vote as to which candidate is appointed as Leader.
- 4.40.2 The Leader may be removed by a Notice on Motion which has a simple majority of those Councillors voting and present in the room at the time the question was put.
- 4.40.3 A motion to remove the Leader cannot be moved more than once in any rolling 6 month period.

Two Motions per Councillor

- 4.41 No Councillor may give notice of more than 2 motions for any Council meeting, except with the consent of the Chair. Following debate and / or amendments a motion will be taken as a single motion.

Motions without Notice

- 4.42 The following motions may be moved without notice:

- ♣ ▲ ◆ ■²¹4.42.1 to appoint a Chair of the meeting at which the motion is moved;
- ♣ ▲ ◆ ■²²4.42.2 in relation to the accuracy of the minutes;
- ♣ ▲ ◆ ■²³4.42.3 to change the order of business in the agenda;
- ♣ ▲ ◆ ■²⁴4.42.4 to refer something to an appropriate committee, body or individual for consideration or reconsideration;
- ♣ ▲ ◆ ■²⁵4.42.5 to appoint a committee or Member to perform a function or duty arising from an item on the summons for the meeting;
- ♣ ▲ ◆ ■²⁶4.42.6 to receive reports and / or adopt and / or amend recommendations of the Cabinet, committees or Officers and any resolutions following from them;
- ♣ ▲ ◆ ■²⁷4.42.7 to withdraw a motion;
- ♣ ▲ ◆ ■²⁸4.42.8 to amend a motion;
- ♣ ▲ ◆ ■²⁹4.42.9 a closure motion under Rule 4.54
- 4.42.10 to suspend a particular Council Procedure Rule (provided that at least one

²¹ See Rule 4.14

²² See Rule 4.14

²³ See Rule 4.14

²⁴ See Rule 4.14

²⁵ See Rule 4.14

²⁶ See Rule 4.14

²⁷ See Rule 4.14

²⁸ See Rule 4.14

²⁹ See Rule 4.14

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- half of the whole number of Members are present)³⁰;
- ♣ ▲ ◆ ■³¹4.42.11 to exclude the public and press in accordance with the Access to Information Procedure Rules;
- ♣ ▲ ◆ ■³²4.42.12 to not hear further a Member named under Rule 4.86 or to exclude them from the meeting under Rule 4.87; and
- 4.42.13 to give the consent of the Council where its consent is required by this Constitution.
- ♣ ▲ ◆ ■³³4.42.14 urgent motions, provided the requirements of Rule 4.43 is satisfied.

Urgent Motions

- 4.43.1 An urgent motion complying with Rule 4.37.2 may be presented, with the permission of the Chair, provided it has been ~~notified to~~ received by the Monitoring Officer by 5.00 p.m. on the day prior to the Council meeting
- 4.43.2 Subject to Rule 4.43.3 below, the Chair has general authority to agree to take an urgent motion which is not on the agenda, and the discretion is entirely that of the Chair who alone needs to be satisfied as to the need for urgency;
- 4.43.3 The general authority referred to above is qualified in that an urgent motion should not be taken unless:
- 4.43.3.1 the matter dealt with in the motion has arisen between the deadline for the submission of motions and the date of the meeting; and
 - 4.43.3.2 the motion requires an urgent decision in the public interest which cannot be dealt with by other means (including referring the motion for consideration and decision to the Cabinet or a committee), or left to be decided at a subsequent meeting.
- 4.43.4 In all cases, the reason for the urgency shall be clearly stated on the motion, and the Chair will explain to the Council the reason why he or she has accepted a motion not listed on the agenda as urgent

Rules of Debate

No Speeches until Motion Seconded

- ♣ ▲ ◆ ■³⁴4.44 No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded. The proposer of the motion shall have the right to make the first speech in relation to the motion which s/he has moved by notice.

Right to Require Motion in Writing

- ♣ ▲ ◆ ■³⁵4.45 Unless notice of the motion has already been given, the Chair may require it to be written down and handed to him before it is discussed.

³⁰ See Rule 2.10

³¹ See Rule 4.14

³² See Rule 4.14

³³ See Rule 4.14

³⁴ See Rule 4.14

³⁵ See Rule 4.14

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Secunder's Speech

- ♣ ▲ ◆ ■³⁶4.46 When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

Content and Length of Other Speeches

4.47.1 Non aligned Members and a nominated principal speaker from each Political Group will be able to speak on each motion with all Members having a right to speak to raise additional or different issues in the debate.

- ▲ ◆ ■³⁷4.47.2 Speeches in accordance with 4.47.1 above must be directed to the motions under discussion or to a personal explanation, point of order or right of reply. The proposer of a motion may speak for no more than 10 minutes; otherwise no speech may exceed 5 minutes without the consent of the Chair.

When a Member may Speak Again

- ♣ ▲ ◆ ■³⁸4.48 A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- ▲ ◆ ■³⁹4.48.1 to speak once on an amendment moved by another Member;
▲ ◆ ■⁴⁰4.48.2 to move a further amendment if the motion has been amended since he last spoke;
▲ ◆ ■⁴¹4.48.3 if his first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he spoke was carried);
▲ ◆ ■⁴²4.48.4 in exercise of a right of reply;
▲ ◆ ■⁴³4.48.5 on a point of order; and
▲ ◆ ■⁴⁴4.48.6 by way of personal explanation.

Amendments to Motions

- ♣ ▲ ◆ ■⁴⁵4.49.1 Subject to Rules 4.49.2 to 4.49.9 below an amendment to a motion must be relevant to the motion and will either be:

- ♣ ▲ ◆ ■⁴⁶4.49.1.1 to refer the matter to an appropriate committee, body or individual for consideration or reconsideration;
♣ ▲ ◆ ■ to leave out words;

³⁶ See Rule 4.14

³⁷ See Rule 4.14

³⁸ See Rule 4.14

³⁹ See Rule 4.14

⁴⁰ See Rule 4.14

⁴¹ See Rule 4.14

⁴² See Rule 4.14

⁴³ See Rule 4.14

⁴⁴ See Rule 4.14

⁴⁵ See Rule 4.14

⁴⁶ See Rule 4.14

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■⁴⁷4.49.1.2



◆ to leave out words and insert or add others; or

■⁴⁸4.49.1.3



◆ to insert or add words or additional recommendations;

■⁴⁹4.49.1.4



◆ to substitute another proposition which is committed to writing and ~~sent to~~ received by the Head of Legal and Democratic Services and / or the Head of Democratic Services no later than 5 p.m. on the day prior to the meeting.

■⁵⁰4.49.1.5

as long as the effect of Rules 4.49.1.2 to 4.49.1.4 is not to negate or would otherwise change the material substance of the original motion.

♣ ▲ ◆ ■4.49.2

Amendments in accordance with Rule 4.49.1.2 to 4.49.1.4 (adding, removing or substituting words), will only be allowed if committed to writing and ~~sent to~~ received by the Head of Legal and Democratic Services and / or the Head of Democratic Services no later than 5 p.m. on the day prior to the meeting

♣ ▲ ◆ ■4.49.3

Any amendments received in accordance with these rules will be automatically circulated to all Members as soon as reasonably practicable.

♣ ▲ ◆ ■4.49.4

The Chair will have a general discretion to allow any amendments which do not have the effect of negating or would otherwise change the material substance of the original motion, in circumstances where the Chair in his / her absolute discretion considers the amendment has arisen out of the debate.

▲ ◆ ■⁵¹4.49.5

Each amendment will be proposed, seconded, committed to writing and handed to the Chair;

♣ ▲ ◆ ■⁵²4.49.6

Only one amendment may be moved and discussed at any one time and strictly in the order of receipt. No further amendment may be moved until the amendment under discussion has been decided.

♣ ▲ ◆ ■⁵³4.49.7

If an amendment is not carried, other amendments to the original motion may be moved.

♣ ▲ ◆ ■⁵⁴4.49.8

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

♣ ▲ ◆ ■⁵⁵4.49.9

After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

⁴⁷ See Rule 4.14

⁴⁸ See Rule 4.14

⁴⁹ See Rule 4.14

⁵⁰ See Rule 4.14

⁵¹ See Rule 4.14

⁵² See Rule 4.14

⁵³ See Rule 4.14

⁵⁴ See Rule 4.14

⁵⁵ See Rule 4.14

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Alteration of Motion

- ♣ ▲ ◆ ■⁵⁶4.50.1 A Member may alter a motion which he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- ♣ ▲ ◆ ■⁵⁷4.50.2 Only alterations which could be made as an amendment pursuant to Rule 4.49 may be made.

Withdrawal of Motion

- ♣ ▲ ◆ ■⁵⁸4.51 A Member may withdraw a motion which he has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

Right of Reply

- ♣ ▲ ◆ ■⁵⁹4.52.1 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- ♣ ▲ ◆ ■⁶⁰4.52.2 The mover of the amendment has no right of reply to the debate on his amendment.
- ♣ ▲ ◆ ■⁶¹4.52.3 A Member exercising a right of reply will not introduce any new matter and after the reply, a vote shall be taken without further discussion. Members may not speak after the owner of a motion has exercised a right of reply, except to seek clarification of a particular matter before the owner of the motion concludes his or her speech. A Member may not speak after a proposition has been voted on except on a point of order relating to it.

Procedural Motions which may be Moved During Debate

- ♣ ▲ ◆ ■⁶²4.53 When a motion is under debate, no other motion may be moved except the following procedural motions:
- ♣ ▲ ◆ ■⁶³4.53.1 to withdraw a motion;
- ♣ ▲ ◆ ■⁶⁴4.53.2 to amend a motion;
- ♣ ▲ ◆ ■⁶⁵4.53.3 a closure motion under Rule 4.54.5
- ♣ ▲ ◆ ■⁶⁶4.53.4 to exclude the public and press in accordance with the Access to Information Procedure Rules; and

⁵⁶ See Rule 4.14

⁵⁷ See Rule 4.14

⁵⁸ See Rule 4.14

⁵⁹ See Rule 4.14

⁶⁰ See Rule 4.14

⁶¹ See Rule 4.14

⁶² See Rule 4.14

⁶³ See Rule 4.14

⁶⁴ See Rule 4.14

⁶⁵ See Rule 4.14

⁶⁶ See Rule 4.14

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- ♣ ▲ ◆ ■⁶⁷4.53.5 to not hear further a Member named under Rule 4.86 or to exclude them from the meeting under Rule 4.87.
- ♣ ▲ ◆ ■⁶⁸4.53.6 to suspend a particular council procedure rule (provided that at least one half of the whole number of Members are present).

Closure Motions

- ♣ ▲ ◆ ■⁶⁹4.54.1 to proceed to the next business;
- ♣ ▲ ◆ ■⁷⁰4.54.2 to ask that the question be now put;
- ♣ ▲ ◆ ■⁷¹4.54.3 to adjourn a debate; or
- ♣ ▲ ◆ ■⁷²4.54.4 to adjourn a meeting.
- ♣ ▲ ◆ ■⁷³4.54.5 subject to Rule 4.54.8 below, if a motion to proceed to next business under Rule 4.54.1 is seconded and only if the Chair thinks the item has been sufficiently discussed, he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- ♣ ▲ ◆ ■⁷⁴4.54.6 subject to Rule 4.54.8 below, if a motion that the question be now put under Rule 4.54.2 is seconded and only if the Chair thinks the item has been sufficiently discussed, he will put the procedural motion to the vote. If it is passed he will give the mover of the original motion a right of reply before putting his motion to the vote.
- ♣ ▲ ◆ ■⁷⁵4.54.7 subject to Rule 4.54.8 below, if a motion to adjourn the debate or to adjourn the meeting under Rules 4.54.3 and 4.54.4 is seconded and only if the Chair thinks the item has been sufficiently discussed and cannot reasonably be so discussed on that occasion, he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.
- ♣ ▲ ◆ ■⁷⁶4.54.8 in the event that a closure motion under Rule 4.54.1 to 4.54.4 is moved and seconded, the following procedure will apply in the order set out below:
- 4.54.8.1 the closure motion will be voted upon without further debate;
- 4.54.8.2 if an amendment has been moved and seconded before a closure motion has been passed by Full Council, that amendment must be discussed immediately but will be subject to the following restrictions:
- The debate on the amendment cannot exceed a maximum of 30 minutes in total, save for the exercising of the Chair's discretion.
 - the proposer will have a maximum of 5 minutes to speak on the amendment;

⁶⁷ See Rule 4.14

⁶⁸ See Rule 4.14

⁶⁹ See Rule 4.14

⁷⁰ See Rule 4.14

⁷¹ See Rule 4.14

⁷² See Rule 4.14

⁷³ See Rule 4.14

⁷⁴ See Rule 4.14

⁷⁵ See Rule 4.14

⁷⁶ See Rule 4.14

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- the relevant Portfolio Holder(s) will have a maximum of 5 minutes to speak on the amendment;
 - the seconder and all other speakers will have a maximum of 3 minutes to speak on the amendment;
- 4.54.8.3 Full Council will vote on the proposed amendment debated under Rule 4.54.8.2 above.
- 4.54.8.4 a single new amendment to the substantive motion (as amended if appropriate) will be allowed if properly seconded, but will be subject to the following restrictions:
- the first new amendment proposed and seconded will be considered and no further proposed amendments will be considered;
 - The debate on the new amendment cannot exceed a maximum of 30 minutes in total, save for the exercising of the Chair's discretion.
 - the proposer will have a maximum of 5 minutes to speak on the new amendment;
 - the relevant Portfolio Holder will have a maximum of 5 minutes to speak on the new amendment;
 - the seconder and all other speakers will have a maximum of 3 minutes to speak on the new amendment;
- 4.54.8.5 the new amendment proposed in accordance with Rule 5.54.8.4 will be voted upon.
- 4.54.8.6 the substantive motion (as amended under Rule 4.54.8.2 or Rule 4.54.8.4) will be voted upon.

Point of Order

♣ ▲ ◆ ■⁷⁷4.55 A point of order is a request from a Member to the Chair to rule on an alleged irregularity in the procedure of the meeting. A Member may raise a point of order at any time by indicating to the Chair by standing that they wish to raise a point of order and waiting for the Chair to call them to speak at a convenient point at the discretion of the Chair. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which s/he considers it has been broken. The ruling of the Chair on the matter will be final.

Personal Explanation

♣ ▲ ◆ ■⁷⁸4.56 A Member may make a personal explanation at any time. A personal explanation may only relate to one of the following:

⁷⁷ See Rule 4.14

⁷⁸ See Rule 4.14

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- ♣ ▲ ◆ ■⁷⁹4.56.1 some material part of an earlier speech by the Member in the present debate which may appear to have been misunderstood;
 - ♣ ▲ ◆ ■⁸⁰4.56.2 to reply to an allegation of misconduct made against the Member giving the explanation; or
 - ♣ ▲ ◆ ■⁸¹4.56.3 to make an apology to the Council.
-
- ♣ ▲ ◆ ■⁸²4.57 The ruling of the Chair on the admissibility of a personal explanation will be final.
-
- ♣ ▲ ◆ ■⁸³4.58 Points of personal explanation will only be recorded in the minutes if the Monitoring Officer considered that such an inclusion would provide greater clarity to the minutes.

Declarations of Interest

- ♣ ▲ ◆ ■⁸⁴4.59 A Member may at any time declare a personal interest under the Members' Code of Conduct and when a Member makes a declaration s/he shall be heard immediately and shall be allowed to make the declaration without interruption.

Previous Decisions and Motions

Motion to Rescind a Previous Decision

- ▲ ◆ ■⁸⁵4.60.1 A motion or amendment to rescind a decision made at a meeting within the past six months cannot be moved unless the notice of motion is signed by at least 10 Members.
- ▲ ◆ ■⁸⁶4.60.2 Rule 4.37.2 does not apply to a motion under Rule 4.60.1.
- ▲ ◆ ■⁸⁷4.60.3 For the sake of clarity rule 4.60.1 does not apply to decisions taken by the Cabinet.

Motion Similar to One Previously Rejected

- ▲ ◆ ■⁸⁸4.61.1 A motion or amendment in similar terms to one that has been rejected at a meeting in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 10 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

⁷⁹ See Rule 4.14

⁸⁰ See Rule 4.14

⁸¹ See Rule 4.14

⁸² See Rule 4.14

⁸³ See Rule 4.14

⁸⁴ See Rule 4.14

⁸⁵ See Rule 4.14

⁸⁶ See Rule 4.14

⁸⁷ See Rule 4.14

⁸⁸ See Rule 4.14

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▲ ◆ ■⁸⁹4.61.2 Rule 4.37.2 does not apply to a motion under Rule 4.61.1.

⁸⁹ See Rule 4.14

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Voting

Majority

♣ ▲ ◆ ■⁹⁰4.62 Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

Chair's Casting Vote

♣ ▲ ◆ ■⁹¹4.63 If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

Method of Voting

♣ ▲ ◆ ■⁹²4.64 Unless a recorded vote is demanded under Rule 4.66 the Chair will take the vote by show of hands, or by use of the Council's electronic voting system if any, or if there is no dissent, by the affirmation of the meeting.

Ballots

4.65.1 In respect of Full Council the vote will take place by ballot if 10 Councillors present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately the result is known.

♣ ▲ ◆ ■⁹³4.65.2 In respect of committees the vote will take place by ballot if a majority of the Members present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately the result is known.

Recorded Vote

4.66.1 Subject to 4.66.2 below, whenever an electronic voting system is available voting at Full Council meetings shall take place by means of that electronic voting system and the votes cast by each Councillor will be made available on the Council's website upon publication of the draft minutes for that meeting.

4.66.2 In respect of Full Council if 10 Councillors present at the meeting demand it, before a vote is taken, the details of the votes cast by each Councillor will be made available to the meeting.

♣ ▲ ◆ ■⁹⁴4.66.3 In respect of committees and the Cabinet if a majority of Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and

⁹⁰ See Rule 4.14

⁹¹ See Rule 4.14

⁹² See Rule 4.14

⁹³ See Rule 4.14

⁹⁴ See Rule 4.14

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entered into the minutes. A demand for a recorded vote together with a demand for a ballot will be voted upon by the committee.

Right to Require Individual Vote to be Recorded

♣ ▲ ◆ ■⁹⁵4.67 Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

Voting on Appointments

Voting on appointments to external bodies and organisations

♣ ▲ ◆ ■⁹⁶4.68.1 If there is one position (in an external body or organisation) to be filled by a nominee or representative of the Council and more than one person is nominated for that position then the position will be filled by the person with the greatest number of votes. If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

♣ ▲ ◆ ■⁹⁷4.68.2 If there are two or more positions (in an external body or organisation) to be filled by nominees or representatives of the Council and the number of nominations exceeds the number of such positions, each Councillor of the Council will be able to exercise one vote for each such position (but may vote only once for each nominee) and the persons to whom more votes have been given than other persons up to the number of positions to be filled, shall be appointed. If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

Voting on employee appointments

♣ ▲ ◆ ■⁹⁸4.69 In the event of there being more than two candidates for an appointment and no candidate receives the required majority on the first vote, the candidate with the least number of votes will be eliminated and a further vote will be taken. This procedure will be repeated until a candidate receives the required majority. If more than one candidate has the same number of votes and that is the lowest number of votes cast, a vote will be taken to decide the candidate to be eliminated from future votes. In the event of an equal number of votes being cast at this stage, the Chair will have a casting vote.

⁹⁵ See Rule 4.14

⁹⁶ See Rule 4.14

⁹⁷ See Rule 4.14

⁹⁸ See Rule 4.14

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Voting on Internal Councillor Appointments

♣ ▲ ◆ ■⁹⁹4.70 This Rule applies to the appointment of Councillors to positions within the Local Authority or to joint committees with other authorities including:

4.70.1 the Chair / Vice-Chair / Assistant Vice-Chair of Council;

4.70.2 Leader;

♣ ▲ ◆ ■¹⁰⁰4.70.3 the Chair or Vice-Chair of a Committee or Sub-Committee;

♣ ▲ ◆ ■¹⁰¹4.70.4 Member of a Committee or Sub-Committee or Panel;

♣ ▲ ◆ ■¹⁰²4.70.5 Member of any other internal Council board, panel or group with or without officers;

♣ ▲ ◆ ■¹⁰³4.70.6 Member of any joint committee, board, panel or group involving the Council and one or more local authorities, and / or other public bodies.

♣ ▲ ◆ ■¹⁰⁴4.71 If there are more than two Councillors nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. Voting under this paragraph will normally be conducted by ballot paper.

♣ ▲ ◆ ■¹⁰⁵4.72 Where there is a tie with two or more candidates receiving the least number of votes they both be eliminated from the voting where the addition of all the votes cast for the tied candidates would not equal or exceed the candidate with the next number of lowest votes. If the total number of votes cast for the candidates who tied would equal or exceed the next candidate, then only one of those candidates be eliminated and that decision be determined by ballot between the two.

♣ ▲ ◆ ■¹⁰⁶4.73 Where there is a tie, at the end of the voting process between two candidates the Chairman shall either use his / her second or casting vote, or require the appointment to be determined by the drawing of lots.

♣ ▲ ◆ ■¹⁰⁷4.74 This procedure may be varied by agreement of the meeting.

⁹⁹ See Rule 4.14

¹⁰⁰ See Rule 4.14

¹⁰¹ See Rule 4.14

¹⁰² See Rule 4.14

¹⁰³ See Rule 4.14

¹⁰⁴ See Rule 4.14

¹⁰⁵ See Rule 4.14

¹⁰⁶ See Rule 4.14

¹⁰⁷ See Rule 4.14

SECTION 4 – FULL COUNCIL

Minutes

Signing the Minutes

- ♣ ▲ ◆ ■¹⁰⁸4.75 The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

- ♣ ▲ ◆ ■¹⁰⁹4.76 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is an extraordinary meeting¹¹⁰, then the next following meeting will be treated as a suitable meeting for the purposes of signing of minutes¹¹¹.

Form of Minutes

- ♣ ▲ ◆ ■¹¹²4.77 Save as provided below the form of the minutes will be a matter for the Chief Executive:

- ♣ ▲ ◆ ■¹¹³4.77.1 Minutes will contain all motions and amendments in the exact form and order the Chair put them.

- ♣ ▲ ◆ ■¹¹⁴4.77.2 Replies given to questions of which notice has been given under Rule 4.30 will be recorded in the minutes.

Record of Attendance

- ♣ ▲ ◆ ■¹¹⁵4.78 All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

- ♣ ▲ ◆ ■¹¹⁶4.79 Members permanently leaving a meeting shall advise the Chair or the clerk of their departure so that this can be formally recorded in the minutes, including the time of departure and the committee clerk shall so record in the minutes of that meeting.

- ♣ ▲ ◆ ■¹¹⁷4.80 Before Members leave a meeting room before the conclusion of

¹⁰⁸ See Rule 4.14

¹⁰⁹ See Rule 4.14

¹¹⁰ a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972

¹¹¹ paragraph 41(1) and (2) of Schedule 12 to the Local Government Act 1972

¹¹² See Rule 4.14

¹¹³ See Rule 4.14

¹¹⁴ See Rule 4.14

¹¹⁵ See Rule 4.14

¹¹⁶ See Rule 4.14

¹¹⁷ See Rule 4.14

SECTION 4 – FULL COUNCIL

business the Chair shall advise that Member of the above requirement.

Exclusion of Public

♣ ▲ ◆ ■¹¹⁸4.81.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Section 14 of this Constitution or Rules 4.89 and 4.90 (Disturbance by the Public).

♣ ▲ ◆ ■¹¹⁹4.81.2 Where members of the public have been excluded pursuant to Rule 4.81.1, Members may nevertheless remain in the meeting (with the exception of confidential meetings of the Standards Committee) unless they have a personal and prejudicial interest.

Members' Conduct

Declarations of Interest

♣ ▲ ◆ ■¹²⁰4.82 Members must in all matters consider whether they have a personal interest (within the meaning within the Members' Code of Conduct) in a matter to be discussed at a meeting, and whether that Code of Conduct requires them to disclose that interest and if they conclude that it does, must disclose the existence and nature of the interest at the commencement of the discussion or when the interest becomes apparent and decide whether they should withdraw from consideration of the matter as required by the Code.

♣ ▲ ◆ ■¹²¹4.83 A Member who is under the Members' Code of Conduct required to disclose the existence and nature of such an interest must complete the requisite form provided for that purpose at meetings.

Speaking at Meetings

♣ ▲ ◆ ■¹²²4.84 When a Member speaks at a meeting he/she must address the meeting through the Chair. If more than one Member signifies their intention to speak, the Chair will ask one to speak. Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

Chair Standing

♣ ▲ ◆ ■¹²³4.85 When the Chair stands during a debate, or otherwise indicates that the meeting must be silent, any Member speaking at the time must stop and all Members must be seated.

¹¹⁸ See Rule 4.14

¹¹⁹ See Rule 4.14

¹²⁰ See Rule 4.14

¹²¹ See Rule 4.14

¹²² See Rule 4.14

¹²³ See Rule 4.14

SECTION 4 – FULL COUNCIL

Member not to be Heard Further

♣ ▲ ◆ ■¹²⁴4.86 If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further. If seconded, the motion will be voted on without discussion. If the motion is passed the named Member may not discuss or debate any further business whilst it is transacted at the meeting.

Member to Leave the Meeting

♣ ▲ ◆ ■¹²⁵4.87 If the Member continues to behave improperly after a motion under Rule 4.86 is carried, the Chair may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion. If the motion is passed the named Member must leave the room forthwith.

General Disturbance

♣ ▲ ◆ ■¹²⁶4.88 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he thinks necessary.

Disturbance by Public

Removal of Member of the Public

♣ ▲ ◆ ■¹²⁷4.89 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

Clearance of Part of Meeting Room

♣ ▲ ◆ ■¹²⁸4.90 If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

Filming, Audio Recording and Use of Social Media During Meetings

♣ ▲ ◆ ■¹²⁹4.91 Filming, audio recording and use of social media is permitted during meetings except (a) where children and / or vulnerable adults are participating in the debate by way of a presentation, or (b) where meetings or parts of meetings which are held in confidential session pursuant to Section 14, or (c) where a meeting is being webcast.

¹²⁴ See Rule 4.14

¹²⁵ See Rule 4.14

¹²⁶ See Rule 4.14

¹²⁷ See Rule 4.14

¹²⁸ See Rule 4.14

¹²⁹ See Rule 4.14

SECTION 4 – FULL COUNCIL

Suspension and Amendment of Council Procedure Rules (Rules 4.15 to 4.95)

Suspension

4.92 The Council Rules of Procedure may be suspended in accordance with Rules 2.9 and 2.10.

Amendment

♣ ▲ ◆ ■¹³⁰4.93 Any motion to add to, vary or revoke these Council Rules of Procedure will, stand adjourned without discussion and be automatically referred to the Democratic Services Committee which will make a recommendation to Council PROVIDED ALWAYS that this Rule will not apply to any recommendations or report by the Democratic Services Committee concerning the variation, revocation or amendment of these Council Rules of Procedure.

Officer Advice

♣ ▲ ◆ ■¹³¹4.94 Any report placed for decision before Council should contain all necessary advice to enable Councillors to take a decision. Reports will be circulated in advance of the meeting and if a Councillor requires clarification on an issue related to the report, this should be sought prior to the meeting.

♣ ▲ ◆ ■¹³²4.95 Further officer advice will only be available at the meeting of Council with the consent of the Chair, in consultation with the Chief Executive. If there is a need for further detailed legal or financial advice to be provided, the meeting should be adjourned.

Attendance of Cabinet Members at Council Meetings

4.96 The Leader and Cabinet members in attendance at meetings of Full Council will not sit with the other Councillors but shall sit alongside the Chair, Vice-Chair and Assistant Vice-Chair of the County Council. The only officers to sit alongside the Chair shall be the Chief Executive, Monitoring Officer and Clerk unless otherwise authorised to do so by the Chief Executive.

Petitions

4.97 Where a Councillor delivers a petition to the Council in accordance with Rule 4.18.18 the Councillor may outline the request by the petitioners, the reason for the request and the number of the signatories **PROVIDED THAT** in any event the Councillor may not speak under this Rule for more than 5 minutes.

4.98 Where a member of the public delivers a petition to the Council the procedure for the receipt of that petition will be determined by the Chair of the Council.

¹³⁰ See Rule 4.14

¹³¹ See Rule 4.14

¹³² See Rule 4.14

SECTION 4 – FULL COUNCIL

All Council Seminars / Member Development Sessions

- 4.99 The Chair, Vice-Chair or Assistant Vice-Chair of the Council will preside at all Council Seminars or Member Development Sessions. Cabinet members with responsibility for portfolios which are the subject of the Council Seminar / Member Development Session may assist the Chair / Vice-Chair or Assistant Vice-Chair in facilitating the seminar / development session but may not preside over such a seminar / development session unless authorised by the Chair of the Council.

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SECTION 7 – SCRUTINY COMMITTEES

Introduction

- 7.1 The Council is required by Law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. The Scrutiny Committees should be powerful committees that can contribute to the development of Council policies and also hold the Cabinet to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies.
- 7.2 Overview and scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants. Scrutiny Committees should not shy away from the need to challenge and question decisions and make constructive criticism.

Scrutiny Committees

- 7.3 In order to achieve this, the Council will appoint three Scrutiny Committees (and in addition the Council will participate in a PSB Scrutiny Committee) which between them will:
- 7.3.1 review or scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions whether by the Cabinet or another part of the Council;
 - 7.3.2 make reports or recommendations to the Cabinet or the Council in connection with the discharge of any functions;
 - 7.3.3 consider any matter which affects the Council’s area or its inhabitants; and
 - 7.3.4 exercise the right to call in for reconsideration decisions made, but not yet implemented, by the Cabinet and Officers.

Role, Scope and Membership

- 7.4 The role, scope and Membership of the Scrutiny Committees are described in the table below:

Committee and Membership	Terms of Reference / Areas of Responsibility
<p style="text-align: center;">Economy, Residents, Community and Governance Scrutiny Committee</p> <p>A maximum of 14 Members including: 13 Councillors – Politically Balanced and 1 Non-Voting Co-optee for crime and disorder</p>	<p style="text-align: center;">Vision 2025 objectives:</p> <p>Economy:</p> <ul style="list-style-type: none"> • Providing support for businesses to grow • Promoting Powys as a place to live, visit and do business • Improving the availability of affordable and sustainable housing • Improving our infrastructure to support regeneration and attract investment • Improving skills and supporting people to get good quality jobs <p>Residents and Community:</p>

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functions	<ul style="list-style-type: none"> • Strengthening community development and resilience • Support communities to be able to do more for themselves and reduce the demand on our public services • Strengthening our relationship with residents and communities • Improve our understanding of our residents needs and improve our service delivery <p style="text-align: center;">SERVICE AREAS:</p> <p>CHIEF EXECUTIVE</p> <ul style="list-style-type: none"> • Finance • Legal and Democratic Services <p>ECONOMY AND ENVIRONMENT</p> <ul style="list-style-type: none"> • Property, Planning and Public Protection • Highways, Transport and Recycling • Housing and Community Development <p>TRANSFORMATION</p> <ul style="list-style-type: none"> • Strategy, Performance and Transformation Programmes • Customers and Communications • Workforce and OD <p style="text-align: center;">PARTNERSHIPS</p> <ul style="list-style-type: none"> • Growing Mid Wales • Powys Regeneration Partnership • TRACC • BBNP • MWWFRA • WLGA • Central Wales Infrastructure Collaboration • Central Wales Waste Partnership • North and Mid Wales Trunk Road Agency Partnership Board • Tourism Partnership Mid Wales • Western Valleys Strategic Regeneration Area Board • Powys Community Endowment Fund
Health and Care Scrutiny Committee	<p style="text-align: center;">Vision 2025 objectives:</p> <p>Health and Care:</p> <ul style="list-style-type: none"> • Focussing on well-being

SECTION 7 – SCRUTINY COMMITTEES

<p>A maximum of 14 Members including: 14 Councillors – Politically Balanced</p>	<ul style="list-style-type: none"> • Early help and support • Providing joined up care • Developing a workforce for the future • Creating innovative environments • Developing digital solutions • Transforming in partnership <p style="text-align: center;">SERVICE AREAS:</p> <ul style="list-style-type: none"> • Children’s Services • Adult Services • Commissioning (Children and Adults) <p>TRANSFORMATION</p> <p>PARTNERSHIPS</p> <ul style="list-style-type: none"> • Regional Partnership Board • Powys Executive Safeguarding Group • Regional Safeguarding Group • Youth Justice Board • Health, Social Care and well-Being Partnership • Powys Community Health Council
<p>Learning and Skills Scrutiny Committee Membership: A maximum of 14 Members including: 9 Councillors – Politically Balanced; 3 parent governor representatives; 1 Church in Wales Diocese representative; 1 Roman Catholic Church Diocese representative,</p>	<p style="text-align: center;">Vision 2025 objectives:</p> <p>Learning and Skills:</p> <ul style="list-style-type: none"> • Improving the educational attainment of all pupils • Supporting children and families to have the best start in life • Improving our schools infrastructure • Improving the skills and employability of young people and adults <p style="text-align: center;">SERVICE AREAS:</p> <ul style="list-style-type: none"> • Education <p>TRANSFORMATION</p> <p>PARTNERSHIPS</p> <ul style="list-style-type: none"> • ERW
<p>Co-Ordinating Committee Membership: Chairs and Vice</p>	<p>Functions specified under Rules 7.38 – 7.39</p>

SECTION 7 – SCRUTINY COMMITTEES

<p>Chairs of the 3 Scrutiny Committees; Chair and Vice-Chair of the Audit Committee; 3 Representatives of the Cabinet; 2 Representatives of the Executive Management Team</p>	
<p>Public Service Board Scrutiny Committee</p>	<p>As set out in Rules 7.43 to 7.45</p>
<p>Audit Committee Membership: 14 Members plus 1 Independent / Lay Member</p>	<ul style="list-style-type: none"> • To approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be). • Ensure the risk management strategy guides the programme of internal and external work, to address the controls and risk related issues identified • Oversee the production of the annual governance statement, recommend its adoption to County Council and ensure appropriate action is taken to address the issues raised • To consider and approve the annual audit opinion on internal control and the level of assurance given to the corporate governance arrangements • Approve the annual audit plan, ensuring there is sufficient and appropriate coverage, with a strong emphasis on risk management and resources are available to implement the plan. <p>Receive and review internal audit reports and ensure officers respond promptly to the findings. Where necessary recommendations to other committees and portfolio holders will be made, to ensure action plans are implemented</p> <p>Consider and approve the annual letter, regulatory plan and specific reports as agreed.</p> <p>Where necessary ensure action is taken by officers to address those issues raised, and if necessary recommendations to other committees and portfolio holders will be made to address findings and deliver clear conclusions</p> <p>Comment on the scope and depth of the external audit work, to ensure it gives value for money</p> <p>Assess and approve the annual statement of accounts, external audit opinion and management representation in relation to annual audit findings</p> <p>Promote effective relationships between external and</p>

SECTION 7 – SCRUTINY COMMITTEES

	<p>internal audit, inspection agencies and other relevant bodies to ensure the value of audit and inspection is enhanced and actively promoted</p> <ul style="list-style-type: none">• regularly monitor treasury management reports
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Membership of the Audit Committee.

7.5.1 The Audit Committee will comprise 14 Councillors, appointed to achieve as far as reasonably practicable a political balance on the committee plus 1 voting Lay Member plus such other co-optees as may be appointed by the Council (subject to the total number of co-optees being less than one third of the total membership).¹

7.5.2 In accordance with Section 82 of The Measure:

7.5.2.1 At least one member of the Audit Committee must be a voting Lay Member;

7.5.2.2 An act of the Audit Committee will be invalid if the membership of the committee breaches any of the membership requirements set out in Rules 7.5.1 and 7.5.2.1.

7.5.2.3 The Chair of the Audit Committee is appointed by the Committee at the first meeting following the Council's Annual Meeting and the Chair:

- cannot be a member of the Cabinet;
- can be a Lay Member or a Co-Opted Member;
- can only be a member of an executive group if there are no opposition groups. (See Rule 7.5.4 below);

7.5.2.4 The Measure does not require a Cabinet Member to be a member of the Audit Committee but a maximum of one member of Cabinet (but not the Leader) may be a member of the Audit Committee;

7.5.2.5 The Chair of the Audit Committee may be removed from office by a motion to remove which is put on the agenda of the Audit Committee pursuant to Rule 4.38.1

7.5.3 The Vice-Chair of the Audit Committee will be appointed annually by the Committee at the first meeting following the Council's Annual Meeting who may appoint a Councillor, the Lay Member or a Co-Opted Member. (see Rule 7.5.4 below)

7.5.4 The Vice-Chair of the Audit Committee may be removed from office by a motion to remove which is put on the agenda of the Audit Committee pursuant to Rule 4.38.1

7.5.5 A person presiding at an Audit Committee can only be a member of an executive group if there are no opposition groups.

¹ See Section 82 of The Measure.

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General Functions

7.6 Within their terms of reference, Scrutiny Committees will:

- 7.6.1 review and / or scrutinise decisions made, or other action taken in connection with the discharge of any function of the authority;
- 7.6.2 make reports and / or recommendations to the Full Council and / or the Cabinet, and / or any joint committee in connection with the discharge of any function of the authority;
- 7.6.3 consider any matter affecting the area or its inhabitants;
- 7.6.4 exercise the right to call-in, for reconsideration, decisions made but not yet implemented, by the Cabinet, a committee of the Cabinet, a member of the Cabinet, an officer exercising functions delegated by the Cabinet.(See Call-In Procedure – Rule 7.37);

Specific Functions

Policy Development and Review

7.7 The Scrutiny Committees may:

- 7.7.1 assist the Council and the Cabinet in the development of its Budget and Policy Framework by in depth analysis of policy issues, including pre-scrutiny of draft or amended policies;
- 7.7.2 conduct research, site visits, community and other consultation in the analysis of policy issues and possible options;
- 7.7.3 question members of the Cabinet and/or Committees and Chief Officers from the Council about their views on issues and proposals affecting the area;
- 7.7.4 liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interest of local people are enhanced by collaborative working;
- 7.7.5 consider the impact of policies to assess if they have made a difference;
- 7.7.6 consider and implement mechanisms to encourage and enhance community participation in the scrutiny of the development of policy options; and
- 7.7.7 investigate or review a particular matter in depth, reporting their conclusions and making any recommendations to the Council or Cabinet as appropriate.

Scrutiny

7.8 Scrutiny Committees may:

- 7.8.1 review and scrutinise the decisions by and performance of the Cabinet and/or Committees and Council Officers in relation to individual decisions and over time;
- 7.8.2 review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- 7.8.3 question members of the Cabinet and/or Committees and Chief Officers from the Council about their decisions and performance,

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- whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or project;
- 7.8.4 make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
 - 7.8.5 review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance;
 - 7.8.6 question and gather evidence from any person (with their consent);
 - 7.8.7 review and scrutinise the budget setting process;
 - 7.8.8 conduct research, site visits, community (and other) consultation for the purposes of analysing issues and developing where appropriate; possible options, through liaison with the area/community partnerships; and
 - 7.8.9 consider and report on mechanisms to encourage and enhance community participation in the development of service delivery options.

Finance

- 7.9 Scrutiny Committees may exercise overall responsibility for the finances made available to them.

Annual Report

- 7.10 The Scrutiny Committees may report annually to the Full Council on their workings.

Head of Democratic Services

- 7.11 One of the roles of the Head of Democratic Services under section 8 of The Measure is to promote the role of the Council's Scrutiny Committees and to promote support and guidance to members and Officers generally about the functions of the Scrutiny Committees .

Who May Sit on Scrutiny Committees ?

- 7.12.1 Subject to Rule 7.12.2. below all Councillors (except members of the Cabinet) may be members of the Scrutiny Committees. However, no Member may be involved in scrutinising on decisions in which s/he has been directly involved.
- 7.12.2 In accordance with Section 82 of The Measure no more than one member of the Cabinet may be a member of the Audit Committee (but there is no requirement for Full Council to appoint a member of the Cabinet to the Audit Committee). The Leader cannot be a member of the Audit Committee.

Co-Optees

- 7.13.1 The Learning and Skills Scrutiny Committee shall include in its membership the following voting representatives:
- 7.13.1.1 One Church in Wales diocese representative;
 - 7.13.1.2 One Roman Catholic diocese representative; and
 - 7.13.1.3 Three parent governor representatives (covering so far as practicable the primary, secondary and special needs sectors)

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- 7.13.2 When matters which are not education matters, which are the responsibility of the Cabinet, fall to be considered by the Learning and Skills Scrutiny Committee, the co-opted representatives specified in rule 7.13.1 shall not vote, although they may stay in the meeting and speak.
- 7.13.3 The Health and Care Scrutiny Committee shall include in its membership in a non-voting capacity 1 representative from the Police and Crime Panel (or from such other body which replaces the Panel), subject to that representative not being a Powys County Council representative on the Police and Crime Panel.
- 7.13.4 In addition to co-optees appointed under rules 7.13.1.1 to 7.13.1.3 above, Scrutiny Committees may recommend to Full Council the co-option of other persons as voting or non-voting representatives. In exercising or deciding whether to exercise a co-option, the Authority must, under section 76 of The Measure, have regard to guidance given by the Welsh Ministers and comply with directions given by them
- 7.13.5 The total number of co-optees on each Scrutiny Committee may not exceed more than one third the membership of the committee.²

Who Chairs Scrutiny Committees (other than the Chair of the Audit Committee)?

- 7.14 The arrangements included in sections 66-75 of The Measure will be followed for appointing persons to chair Scrutiny Committees as set out in Rule 4.6.6 (other than the Chair of the Audit Committee who will be appointed in accordance with Rule 7.5.2.3)³.

Role of the Chair of Scrutiny Committees

- 7.15.1 The chairs of the Scrutiny Committees will liaise with the Cabinet and the Head of Paid Service and will supervise the work programme for their Scrutiny Committee and identify cross cutting themes arising from the various Scrutiny Committees .
- 7.15.2 In summary, therefore, the Chair will:
- 7.15.2.1 be accountable for delivering effective scrutiny;
 - 7.15.2.2 will regularly monitor the work programmes for their Scrutiny Committee; and
 - 7.15.2.3 will liaise with the Cabinet on issues affecting the scrutiny work programme.

Work Programme

- 7.16 The Co-ordinating Committee will be responsible for setting the work programme for each scrutiny committee and in doing so they should take into account the Cabinet Forward Work Programme and focus on strategic and important issues. Any requests from scrutiny members for matters to be scrutinised should be sent to the Co-ordinating Committee for consideration.

Joint Scrutiny Committees

² Paragraph 8.19 Statutory Guidance from the Local Government Measure 2011 (issued by Welsh Government June 2012)

³ For provisions relating to the Chair of the Audit Committee See Rule 7.3.2(b)(ii) above.

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- 7.17 Under section 58 of The Measure, regulations may be made to permit two or more local authorities to appoint a joint Scrutiny Committee. This is set out in the Local Authority (Joint Overview and Scrutiny) (Wales) Regulations 2012.

Rules of Procedure and Debate (“Scrutiny Procedure Rules”)

- 7.18 Rules 7.18 to 7.37 (inclusive) shall be known as the Scrutiny Procedure Rules and will apply to meetings of the Scrutiny Committees.

What will be the Number and Arrangements for Scrutiny Committees ?

- 7.19.1 Subject to Rules 7.43 to 7.45 the Council will have three Scrutiny Committees set out in the table in Rule 7.3 and will appoint to them as it considers appropriate from time to time. The Co-ordinating Committee may appoint smaller groups (Member and Officer Working Groups) to carry out detailed examination of particular topics for report back to the committee. Such groups may be appointed for a fixed period on the expiry of which they shall cease to exist or may be appointed on a task and finish basis. Such Member and Officer Working Groups should work on a non-political basis and wherever possible should comprise as many political groups as practicable. In addition, in the case of urgency, the Chair of the relevant scrutiny committee and the Co-ordinating Committee can establish a Member and Officer Working Group
- 7.19.2 The terms of reference / areas of responsibility of the various Scrutiny Committees will be as set out in Rule 7.4 above.
- 7.19.3 Each Scrutiny Committee (with the exception of the Public Service Board Scrutiny Committee) will be Chaired by a chair appointed by the Full Council from the membership of that Scrutiny Committee and there will be cross party membership of all Scrutiny Committees.

Meetings of the Scrutiny Committees

- 7.20.1 The three Scrutiny Committees will meet on a 6 weekly cycle.
- 7.20.2 The Audit Committee must also meet if:
- (a) the Full Council resolves that the Committee should meet; or
 - (b) at least one third of the members of the Audit Committee requisition a meeting by one or more notices in writing to the chair.
- 7.20.3 In addition, extraordinary meetings may be called from time to time by:
- 7.20.3.1 the Full Council by resolution; or
 - 7.20.3.2 the relevant Scrutiny Committee by resolution; or
 - 7.20.3.3 the chair of the relevant Scrutiny Committee; or
 - 7.20.3.4 any 5 members of the relevant Scrutiny Committee; or
 - 7.20.3.5 the Head of Paid Service; or
 - 7.20.3.6 the Monitoring Officer; or
 - 7.20.3.7 the Section 151 Officer;

as s/he / they considers necessary or appropriate.

Quorum

- 7.21 The quorum of a meeting will be 25% of the number of members of that Scrutiny Committee. During any meeting, if the chair declares that there is not

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a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If s/he does not fix a date, the remaining business will be considered at the next ordinary meeting of the Scrutiny Committee..

Business at First Meeting Following the Annual Meeting of the County Council

- 7.22 The first meeting of a scrutiny committee following the Annual Meeting of the County Council will (as may be appropriate):
- 7.22.1 elect a chair of the Audit Committee and the PSB Scrutiny Committee;
 - 7.22.2 elect a person to preside if the chair of the Committee is not present;
 - 7.22.3 elect the vice-chair of the Committee
 - 7.22.4 make appointments to sub-committees authorised by Full Council (see Rules 4.6.1; 4.6.7; 4.15.7; and 4.18.6); such appointments to be in accordance with the wishes of the groups unless the committee decides unanimously to dis-apply the political balance requirements;
 - 7.22.5 make recommendations to the Co-ordinating Committee for the establishment or re-establishment of Member and Officer Task and Finish Working Groups and make appointments thereto as appropriate;
 - 7.22.6 deal with those items of business listed in Rule 7.24 below as may be appropriate.

The order of business, with the exception of items 7.22.1 and 7.22.2 may be altered by the chair.

Business at Other Meetings

- 7.23 At all other meetings of committee, the committee will (as may be appropriate)
- 7.23.1 elect a person to preside if the chair and vice-chair of the Committee are not present;
 - 7.23.2 elect the chair of the Audit Committee or the PSB Scrutiny Committee in the event of there being a vacancy
 - 7.23.3 elect a vice-chair of the Committee in the event of there being a vacancy;
 - 7.23.4 receive declarations of interest (including whipping declarations);
 - 7.23.5 make appointments to sub-committees and Member and Officer Task and Finish Groups in the event of there being a vacancy;
 - 7.23.6 receive apologies for absence;
 - 7.23.7 approve the minutes of the last meeting;
 - 7.23.8 receive any announcements from the chair;
 - 7.23.9 receive reports from the Cabinet and / or from any other committees, and / or from officers;
 - 7.23.10 make recommendations to the Cabinet or Full Council;
 - 7.23.11 deal with any business outstanding from the last meeting;
 - 7.23.12 (where the Leader or a Cabinet member attends a meeting of the committee) to receive a presentation from the Leader or a Cabinet

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- member and / or to put questions to, and to receive responses from the Leader or a Cabinet member;
- 7.23.13 put questions to the chair or relevant officers of the Council where appropriate on items of business before the committee and to receive responses.
- 7.23.14 receive reports from sub-committees and Member and Officer Task and Finish Groups;
- 7.23.15 to consider requests from members of the committee for items of business to be recommended to the Co-ordinating Committee for consideration at a future meeting or at the meeting when the request is made if the chair is satisfied that the matter is urgent (the reason for the urgency being recorded in the minutes), and that the committee is able to have the necessary professional advice of officers;
- 7.23.16 consider motions without notice as set out in the Full Council Procedure Rules in Section 4 of this Constitution;
- 7.23.17 review the Committee's Work Programme for the forthcoming year and make such recommendations to the Co-ordinating Committee as are necessary;
- 7.23.18 consider such other business specified in the summons to the meeting;
- 7.23.19 consider other business, not specified in the summons as the chair considers urgent, subject to the nature of the urgency being specified in the minutes;
- 7.23.20 to exclude the public for the consideration of any item in accordance with the Access to Information Procedure Rules;

The order of business, with the exception of items 7.23.1 to 7.23.4 may be altered by the chair.

Agenda Items

- 7.24.1 Any member of a Scrutiny Committee shall be entitled to give notice to the chair of the Scrutiny Committee that s/he wishes an item relevant to the functions of that Scrutiny Committee to be recommended to the Co-ordinating Committee for inclusion on the agenda for the next available meeting.
- 7.24.2 Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Full Council and/or the Cabinet to review particular areas of Council activity. Where they do so, the particular Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council as appropriate. The Council and/or the Cabinet shall consider the report of the Scrutiny Committee and respond (if appropriate) as soon as possible or at the latest within 2 months of the date of the meeting.

Policy Review and Development

- 7.25.1 The role of Scrutiny Committees in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules in Section 15.

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- 7.25.2 In relation to the development of the Council’s approach to other matters not forming part of its Budget and Policy Framework, Scrutiny Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- 7.25.3 Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

Reports from Scrutiny Committees

- 7.26.1 All formal reports from Scrutiny Committees will be submitted for consideration by the Cabinet (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).
- 7.26.2 If a Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, one minority report may be prepared and submitted for consideration by Full Council or Cabinet with the majority report.
- 7.26.3 A Scrutiny Committee may publish any non-confidential report.

Making sure that Scrutiny Reports are considered by Full Council or Cabinet

- 7.27.1 The reports of Scrutiny Committees shall be referred to the Cabinet (as determined by the Scrutiny Committee) within one month or to the next meeting of Full Council (where applicable). Where an item is not considered by Full Council or Cabinet within the period specified above, the Chair of Council or the Leader or Portfolio Holder will give an explanation of the reasons to the chair of the relevant Scrutiny Committee as soon as practicable.
- 7.27.2 Where a scrutiny report is referred to the Cabinet the relevant Portfolio Holder(s) and senior officers will attend the meeting of the Cabinet wherever possible. The Cabinet will prepare a written response to the scrutiny report, including an action plan where appropriate, as soon as possible or at the latest within 2 months of the date of the meeting. The Portfolio Holder(s) and senior officers if requested to do so will attend a future meeting of that Scrutiny Committee to present the Cabinet’s response.

Rights of Members of Scrutiny Committees to Documents

- 7.28.1 Members of Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Section 14 of this Constitution.
- 7.28.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Scrutiny Committees as appropriate depending on the particular matter under consideration.

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Members and Senior Officers Giving Account

- 7.29.1 Scrutiny Committees / Working Groups may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions within its remit. As well as reviewing documentation, in fulfilling the Scrutiny role, it may require any member of the Cabinet, the Chief Executive and/or any senior Officer to attend before it to explain the following matters within their remit:
- 7.29.1.1 any particular decision or series of decisions; and / or
 - 7.29.1.2 the extent to which the actions taken implement Council policy; and/or
 - 7.29.1.3 the implementation of decision(s) and or Council policy
- and it is the duty of those persons to attend if so required.
- 7.29.2 Where there are concerns about the appropriateness of the Officer who should attend, the relevant chief Officer shall discuss this with the appropriate Scrutiny Chair or Vice Chair with a view to achieving consensus.
- 7.29.3 Where any Cabinet Member is required to attend Scrutiny Committees / Working Group under this provision, the Chair of that Committee / Working Group will inform the relevant Cabinet Member in writing at least 5 working days' before the meeting at which s/he is required to attend (unless agreed otherwise). The written notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required to be produced for the Committee.
- 7.29.4 Where any Officer is required to attend Scrutiny Committees / Working Group under this provision, the Chair of that Committee / Working Group will inform the relevant Head of Service. The relevant Head of Service shall inform the Officer, if necessary in writing, giving at least 5 working days' notice of the meeting at which s/he is required to attend (unless agreed otherwise). The notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required to be produced for the Committee.
- 7.29.5 For the purposes of attendances of members or Officers at the Audit Committee only, in accordance with Section 83(6) of The Measure, a person is not obliged to answer any question which the person would be entitled to refuse to answer in, or for the purposes of, proceedings in a court in England and Wales.
- 7.29.6 Where the account to be given to a Scrutiny Committee / Working Group will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for its preparation.
- 7.29.7 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Scrutiny Committee / Working Group shall in consultation with the Member or Officer arrange an alternative date for attendance.

Attendance by Others

Attendance of Leader or Cabinet Member

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7.30 Subject to the Members' Code of Conduct, the Leader or a Cabinet member in the role of the Leader's representative may attend and speak but not vote at meetings of Scrutiny Committees where the Leader has a specific issue to raise with the committee. The attendance of a Cabinet member in all other cases will be at the invitation of the chair or the Scrutiny Committee.

Attendance of Members at Committee Meetings

7.31.1 In addition to their right to attend all meetings of committees of which they are members, Members (with the exception of Cabinet members) shall have the right to attend any meeting of a Scrutiny Committee and to remain present notwithstanding the passing of a resolution to exclude the public.

7.31.2 Such attendance shall be as observer only, with no right to vote, the attendance not being included in the relevant quorum, and no right to speak, provided that the chair in his / her discretion may permit the member to speak on a particular issue.

7.31.3 Such right of attendance is subject to the Councillor not having a Prejudicial Interest in the matter under discussion under the Members' Code of Conduct and subject to any legal provisions and any limitations or restrictions within this Constitution.

Others

7.32 Scrutiny Committees / Working Group may invite people other than those people referred to in Rules 7.29 and 7.30 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders, members and officers in other parts of the public sector and shall invite such people to attend.

The Party Whip in Scrutiny

7.33 If a member of a Scrutiny Committee is subject to a party whip in respect of an issue to be considered by it, that member must declare the existence of the whip and the nature of it before the commencement of deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting. The member declaring the existence of a whip may speak at the meeting but is not entitled to vote on the question.⁴

Procedure at Scrutiny Committee Meetings

7.34.1 The Rules of Procedure at Scrutiny Committees will be the same as the Full Council Procedure Rules set out in Section 4 of this Constitution except that the chair of the meeting may allow the rules of debate to be relaxed to enable a full contribution by those attending the meeting whether members of a Scrutiny Committee or in any other capacity which allows them to contribute to the worth of the meeting.

7.34.2 Scrutiny Committees may ask people to attend to give evidence or answer questions about any items on their agenda. Meetings should be conducted in accordance with the following principles:

⁴ Section 78(1) of the Local Government (Wales) Measure 2011.

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- 7.34.2.1 that the business be conducted fairly and all members of the Scrutiny Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - 7.34.2.2 that those assisting by giving evidence be treated with respect and courtesy;
 - 7.34.2.3 that the business be conducted as efficiently as possible.
- 7.34.3 Following any investigation or review, a Scrutiny Committee shall prepare a report, for submission to the Cabinet and/or Full Council as appropriate and shall make its report and findings public.

Matters within the Remit of more than one Scrutiny Committee

- 7.35 Where a matter for consideration by Scrutiny Committees falls within the remit of more than one Scrutiny Committee the decision as to which Scrutiny Committee is to consider the matter will be resolved by the respective Chairs or, the Co-ordinating Committee, or if they fail to agree, the decision will be made by Monitoring Officer.

Call-In Procedure Rules

- 7.36A The Call-In Procedure Rules set out in this Rule 7.36 do not apply to the Public Services Board Scrutiny Committee. For the sake of clarity the Public Service Board Scrutiny Committee does not have the ability to call-in decisions / recommendations made by the Public Service Board.
- 7.36B For the purpose of Rule 7.36, where the Monitoring Officer and / or the Chief Finance Officer is the author of the report which is the subject of a potential Call-In to scrutiny, that officer cannot undertake the decisions described in Rules 7.36.3 and 7.36.15 in which event, the decision will be taken by the Chief Executive in consultation with the Deputy Monitoring Officer and / or Deputy Chief Finance Officer as appropriate.
- 7.36.1 Where a decision is made by the Cabinet or an individual member of the Cabinet or a Committee of the Cabinet or under joint arrangements with other public bodies, the decision shall be published by the Monitoring Officer, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 working days of it being made. All Councillors will be sent copies of the records of all such decisions within the same time scale.
- 7.36.2 The communication to Councillors sending them the decision will (a) bear the date on which the decision is published and (b) will specify the date when the decision will come into force (subject to Rule 7.37.3) and may then be implemented, on the expiry of five clear days (the “Call-in Period”) after the date of publication of the decision, unless the appropriate Scrutiny Committee objects to it and calls it in for review within the Call-in Period.
- 7.36.3 Subject to Rule 7.36B above, and during the Call-in Period the Monitoring Officer shall call-in a decision for scrutiny by the relevant Scrutiny Committee if so requested in the specified format (“the Call-In Request”⁵) by the chair or 4 members of a Scrutiny Committee PROVIDED THAT the Monitoring

⁵ See Appendix 1 to this Section.

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Officer and / or the Chief Finance Officer are satisfied that the following conditions are met:

- 7.36.3.1 the decision or action was contrary to the policy framework or budget, or fell outside the functions of the Cabinet; or
 - 7.36.3.2 the Cabinet or decision maker had not followed agreed procedures or failed to consult (where required) before reaching its decision; or
 - 7.36.3.3 the Cabinet had not followed, or had failed to take account of, any legal obligations, including regulations or statutory guidance governing the Council's actions, or other guidance adopted by the Council.
- 7.36.4 Where the Monitoring Officer and / or the Chief Finance Officer are satisfied that one or more of the conditions set out in rule 7.36.3 above have been met, they shall produce a written report setting out the reasons for coming to this conclusion and the Monitoring Officer ([subject to Rule 7.36B above](#)) will then arrange for a "Call-In Notice"⁶ to be issued in accordance with Rule 7.36.5 below.
- 7.36.5 A Call-In Notice must contain the following:
- 7.36.5.1 details of the condition set out in rule 7.36.3 above being relied upon;
 - 7.36.5.2 the reasons why it is believed one or more of the conditions are satisfied;
- 7.36.6 The Monitoring Officer ([subject to Rule 7.36B above](#)) shall call a meeting of that Scrutiny Committee on such a date as s/he may determine, where possible after consultation with the chair or vice chair of that the appropriate Scrutiny Committee, and usually within 10 clear days of the receipt of the Call-In Request (the "Scrutiny Period") (only in exceptional circumstances will the chair of the Scrutiny Committee consider extending this time limit and the period of extension cannot in any circumstances exceed a further 5 clear days).
- 7.36.7 If, having considered the decision, the Scrutiny Committee remains concerned about the decision, then the Committee may refer it back to the decision making body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Full Council for review. If the decision is referred back to the decision maker, the decision maker shall then reconsider the decision within 10 clear days of the date of the reference. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. The final decision cannot be the subject of a further call-in.
- 7.36.8 If a Scrutiny Committee does not meet within the Scrutiny Period the decision shall take effect and be implemented on the next day following the

⁶ See Appendix 2 to this Section.

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expiry of the Scrutiny Period (as extended pursuant to Rule 7.36.6 as the case may be).

- 7.36.9 If following an objection to the decision, a Scrutiny Committee does not refer the matter back to the decision making person or body or to Full Council, the decision shall take effect on the date of the Scrutiny Committee meeting.
- 7.36.10 If a Scrutiny Committee refers the matter to Full Council, the Monitoring Officer (subject to Rule 7.36 above) shall call a meeting of the Full Council on such a date as s/he may determine, where possible after consultation with the chair or vice chair of the Full Council, and usually within 10 clear days of the receipt of the referral (the “Council Scrutiny Period”) (only in exceptional circumstances will the chair of the Full Council consider extending this time limit and the period of extension cannot in any circumstances exceed a further 5 clear days).
- 7.36.11 If, having considered the decision, the Full Council remains concerned about the decision, then the Full Council may refer it back to the decision making body for reconsideration, setting out in writing the nature of its concerns. If the decision is referred back to the decision maker, the decision maker shall then reconsider the decision within 10 clear days of the date of the reference. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. The final decision cannot be the subject of a further call-in.
- 7.36.12 If the Full Council does not meet within 10 clear days of the date of the reference (“the Council Scrutiny Period”), the decision shall take effect on the day after the expiry of the Council Scrutiny Period.
- 7.36.13 If the Full Council does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Full Council meeting.
- 7.36.14 In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:
- 7.36.14.1 each Scrutiny Committee may only call-in a total of five decisions per year;
 - 7.36.14.2 where a Call-in Request has been made by four members of a Scrutiny Committee in accordance with Rule 7.36.3 those four members must come from at least two political groups, or one political group and / or one or more non-aligned Councillor(s);
 - 7.36.14.3 once a Member (the chair of the Scrutiny Committee excepted) has signed a Call-in Request s/he may not do so again until the period of six months has expired.
 - 7.36.14.4 no Education Co-opted members may request a decision be called in.
 - 7.36.14.5 only decisions involving expenditure or reduction in service over the threshold value for tenders set out in Section 17 of this Constitution may be called-in.
 - 7.36.14.6 the decision being called-in, or broadly the same decision, has been called in during the last 6 months.
 - 7.36.14.7 the provisions of Rule 7.37.1 apply (Urgency)
- 7.36.15 Subject to Rule 7.36B above, ~~T~~the Monitoring Officer and / or the Chief

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Finance Officer may veto any request for call-in if it falls outside the remit of this scheme.

- 7.36.16 Save in exceptional circumstances all members of a Scrutiny Committee requesting a matter be called in must attend the meeting at which the matter is being considered.
- 7.36.17 For the avoidance of doubt a Call-In remains valid even if one or more of the members who have signed the Call-in Request do not attend the Scrutiny Meeting at which the Call-in is debated.

Call-In and Urgency

7.37.1 The call-in procedure set out in Rule 7.36 above shall not apply where the decision being taken is urgent. A decision will be urgent if:

- 7.37.1.1 any delay likely to be caused by the call-in process would seriously prejudice the Council's or other public interests; and
- 7.37.1.2 Subject to Rule 7.37.3 below the Head of Paid Service and / or the Monitoring Officer and / or the Chief Finance Officer certifies in writing the reasons why any delay caused by a call-in process could seriously prejudice the Council, or the public interest; and
- 7.37.1.3 the chair of the relevant Scrutiny Committee agrees in writing to the decision being treated as a matter of urgency. In the absence of the Scrutiny chair then either the Scrutiny vice chair or the chair of Council may agree to the decision being treated as a matter of urgency; and
- 7.37.1.4 the record of the decision, and notice by which it is made public, shall state that the decision is an urgent one, and that the urgency of the matter has been approved by the Head of Paid Service and / or the Monitoring Officer and / or the Chief Finance Officer (subject to Rule 7.36B above) and by the chair of the relevant Scrutiny Committee or Scrutiny vice-chair or the chair of Council.

7.37.2 Decisions taken as a matter of urgency can be implemented forthwith but must be reported at the next available meeting of the relevant Scrutiny Committee, together with the reasons for urgency, such report to the scrutiny committee must contain the written certification as required in Rule 7.37.1.2 above.

7.37.3 For the purposes of Rules 7.37.1.2 above the officer certifying the reasons why any delay caused by a call-in process could seriously prejudice the Council, or the public interest cannot be an officer whose report is being considered under the Rule 7.37 procedure.

Co-ordinating Committee.

Role, Scope and Membership.

7.38

- 7.38.1 Membership: Chairs and Vice-Chairs of the following committees:

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Health and Care Scrutiny Committee;
Learning and Skills Scrutiny Committee;
Economy, Residents, Community and Governance
Scrutiny Committee;
Audit Committee;

For the sake of clarity the Chair of the Public Service Board Scrutiny Committee will not be a member of the Co-ordinating Committee.

3 Representatives of the Cabinet to be appointed by the Leader

2 Representatives of the Executive Management Team

- 7.38.2 Chair : Elected annually in rotation by the Committee.
7.38.3 Vice-Chair: Elected annually in rotation by the Committee.
7.38.4 Meetings: Meetings of the Committee will be held monthly. Additional meetings of the Committee can be called with the consent of the Chair.
7.38.5 Notes of Meetings: Agendas and notes of the meetings will be made available to Members.

Terms of Reference:

7.39 The Co-ordinating Committee will:

- 7.39.1 co-ordinate the work programmes of the Scrutiny Committees;
7.39.2 assess potential items for their suitability for a scrutiny review, and allocate those items if suitable to the appropriate scrutiny committee / Working Group for review;
7.39.3 consider items referred from the Scrutiny Committees for inclusion in the scrutiny work programme;
7.39.4 ensure the co-ordination of the Scrutiny Committees' Work Programmes with the Cabinet Work Programme;
7.39.5 receive the final report on a review undertaken by scrutiny working groups prior to its submission to the Cabinet;
7.39.6 consider any requests for the establishment of a Member and Officer Working Group;
7.39.7 consider the Wales Audit Office Annual Improvement Report and consider any matters for inclusion in the Scrutiny Committees' Work Programmes;
7.39.8 to ensure in conjunction with the Public Service Board Scrutiny Committee that there is no duplication of work between the County Council scrutiny committees, the Public Service Board Scrutiny Committee and any other joint scrutiny arrangements with other authorities;
7.39.9 such other matters which relate to or affect the operation of the Scrutiny Committees.
7.39.10 Review the Scrutiny Committee structure on a regular basis.

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Finance Panel.

Role, Scope and Membership.

7.40

- 7.40.1 Membership: The Panel should be no larger than 10 Members to include the following:
- Chairs of the scrutiny committees (excluding the PSB Scrutiny Committee).
 - Portfolio Holder for Finance
 - Leaders of the Opposition groups i.e. those political groups which are not represented on the Cabinet.
 - Other representatives from the Audit Committee one of which should be the Independent “Lay” Member appointed by the Audit Committee.
- 7.40.2 Chair : The Chair of the Panel will be elected from the Panel’s membership, (excluding the Portfolio Holder for Finance).
- 7.40.3 Vice-Chair: The Vice-Chair of the Panel will be elected from the Panel’s membership.
- 7.40.4 Meetings: Meetings of the Panel will be held on a schedule to be determined by the Panel.
- 7.40.5 Reports by the Panel: The Panel will make reports on its findings to the Cabinet and where necessary Full Council.

Terms of Reference:

- 7.41 The Panel will concentrate on strategic financial matters including the following:
- 7.41.1 assist with the delivery of financial plans to support change and the Medium Term Financial Strategy to inform policy changes, and providing robust challenge and accountability;
 - 7.41.2 consider the robustness of the evidence base upon which the MTFFS and Council budget are predicated;
 - 7.41.3 review and scrutinise:
 - Assumptions underlying the budget strategy;
 - The Medium Terms Financial Strategy / Finance Resource Model;
 - Budget Assumptions;
 - Annual Local Government Settlement and any legislative changes affecting local government;
 - Draft Budget and Impact Assessments;
 - Financial aspects of the Risk Register;

SECTION 7 – SCRUTINY COMMITTEES

- Financial Monitoring;
- 7.41.4 provide evidence based recommendations to the Cabinet on its findings;
- 7.41.5 develop a forward work programme based on the budget timetable and the Council's medium term financial strategy;

Public Service Board Scrutiny Committee.

- 7.42 Members on the Co-ordinating Committee shall appoint two Members to act as representatives of the Council on the Public Service Board Scrutiny Committee.
- 7.43 In addition Members on the the Co-ordinating committee shall appoint a substitute for each of the two Members of the Public Service Board Scrutiny Committee appointed under Rule 7.43 above, such substitute shall not be a member of the Public Service Board.
- 7.44 The Terms of Reference and Membership of the Public Service Board Scrutiny Committee are set out in the “Arrangements for the Scrutiny of the Public Service Board in Powys” document approved by Full Council from time to time.

Councillor Call for Action

- 7.45.1 The Councillor Call for Action is a mechanism for enabling Councillors to bring matters of local concern to the attention of the Council via the Scrutiny process. It should be an option of “last resort”.
- 7.45.2 Any Councillor may request that an item is placed on the agenda of the relevant Scrutiny Committee for consideration.
- 7.45.3 The procedure for dealing with a Call for Action is set out in the Councillor Call for Action - Guidance for Councillors attached to this section of the Rules at 7.46 to 7.51

Councillor Call for Action - Guidance for Councillors

Introduction

- 7.46.1. The Local Government Wales Measure 2011 introduced a number of new provisions aimed at strengthening local democracy. Section 63 of the Measure introduced a provision for “Councillor Calls for Action” (CCfA) which enables Councillors to refer issues of local importance to Scrutiny Committees .
- 7.46.2 CCfAs are intended to enable local Councillors and their electors to obtain a response from their Council Leadership on issues of local importance. CCfAs should be regarded as one of a series of tools which Councillors have at their disposal to resolve local issues and make a positive difference in their community. Previously in Wales, only local Crime and Disorder issues could be referred by the local Councillor to the designated Health and Care Scrutiny Committee for action and it should be noted that these local crime and

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disorder referrals will remain in place under separate legislation.

- 7.46.3 As part of their community leadership role, Councillors have always attempted to resolve issues on behalf of their local residents and CCfAs provide an additional avenue for Councillors to follow if the normal ways of resolving an issue have not been successful and the issue meets the criteria for a referral. It should be noted that a referral under this process should be seen as a last resort after all other avenues have been exhausted.
- 7.46.4 CCfAs have been introduced alongside other powers for scrutiny, including powers to scrutinise a wide range of bodies not previously subject to local authority scrutiny. CCfAs are intended to enable any Councillor to refer to a Scrutiny Committee, “a local government matter” which falls within the Scrutiny Committee’s remit.

How Should I Normally Attempt to Resolve a Local Issue in My Area?

- 7.46.5 Local issues can be resolved in a number of ways by Councillors on behalf of their residents as listed in the Welsh Government’s Statutory Guidance from the Local Government Measure 2011:

- 7.46.5.1 informal discussions with Officers or other Councillors;
- 7.46.5.2 informal discussions with partner representatives;
- 7.46.5.3 referral to other “scrutiny” bodies such as Community Health Councils or internal audit committee;
- 7.46.5.4 formal discussions with Officers and Councillors;
- 7.46.5.5 formal letters to the Cabinet members;
- 7.46.5.6 asking questions at Full Council;
- 7.46.5.7 submitting a motion to Full Council;
- 7.46.5.8 organising public meetings;
- 7.46.5.9 use of petitions;
- 7.46.5.10 making a complaint;
- 7.46.5.11 freedom of information requests;
- 7.46.5.12 communication with local AMs or MPs;
- 7.46.5.13 use of social media or email based campaigns.

- 7.46.6 This is not an exhaustive list and Councillors may choose different routes for specific issues. If an issue has not been resolved after exhausting all possible alternative routes, then a local Councillor can refer it to the appropriate Scrutiny Committee as a CCfA.

What is a Councillor Call For Action?

- 7.46.7.1 In order for a Scrutiny Committee to accept a CCfA as an agenda item for discussion at one of their meetings, the issue must affect either all or part of a Councillor’s electoral area or it must affect someone who lives or works in that area and come within that Scrutiny Committee’s remit.
- 7.46.7.2 A Councillor does not however need a referral from a constituent in order to start the process. It is important to recognise that a CCfA is not guaranteed to solve a given problem, though it can provide a method for discussing such problems and, through discussion, attempt to overcome them.

How and When Should I Make a CCfA?

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- 7.46.8.1 A flowchart showing the process is provided at Rule 7.45. A Councillor may initiate the process by completing the form at Rule 7.46. Further copies are available from the Scrutiny Manager. It is important that the local Councillor specifies what outcome is expected from the referral. After completion the form should be returned to the Scrutiny Manager who will log and acknowledge the referral within five working days, to track its progress and forward a copy of the form to the Monitoring Officer.
- 7.46.8.2 The Monitoring Officer will confirm whether or not the referral satisfies the requirements outlined in Rule 7.42.9 below to enable it to be placed on the agenda for discussion at a meeting of the relevant Scrutiny Committee. The Monitoring Officer reserves the right to exclude from the agenda any matter which is vexatious, discriminatory or otherwise potentially unlawful; and the Councillor will be informed of this outcome as soon as practicable.

Criteria To Be Followed By A Scrutiny Committee Dealing With CCfAs

- 7.46.9 It is up to the chair of a Scrutiny Committee in consultation with the Monitoring Officer to decide whether, and in what form, to take the matter further. The chair will use the following criteria to decide whether or not the referral is appropriate to be considered by its Scrutiny Committee :
- 7.46.9.1 does the matter fall within the remit of that Scrutiny Committee?
NB: Crime and Disorder referrals should be directed to the Health and Care Scrutiny Committee.
- 7.46.9.2 is that Scrutiny Committee satisfied that all reasonable attempts have been made to resolve the issue by the local Councillor? Do the responses received by the referring Councillor demonstrate that the matter is not being progressed?
- 7.46.9.3 has that Scrutiny Committee considered a similar issue recently? If so, have the circumstances or evidence changed?
- 7.46.9.4 is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA hearing. Relevant time pressures on resolving the CCfA should be taken into account.
- 7.46.9.5 have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the Councillor received?
- 7.46.9.6 is this a case that is being or should be pursued via the Council's corporate complaints procedure?
- 7.46.9.7 is it relating to a "quasi-judicial" matter or decision such as planning or licensing?
- 7.46.9.8 is the matter an issue of genuine local concern which impacts on the local community rather than a personal matter?
- 7.46.9.9 is this an issue currently being looked at by another form of external scrutiny?
- 7.46.9.10 and, as with all scrutiny, does the matter have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the Councillor's electoral division?

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- 7.46.10 If a Scrutiny Committee decides not to accept the CCfA it must inform the Councillor of the decision and the reasons for it.
- 7.46.11 If a Scrutiny Committee decides to accept the CCfA the Councillor will be informed and advised of the agreed Protocol, e.g. the Councillor will be given adequate notice (a minimum of 10 clear days) of the date of the Scrutiny Committee’s meeting. The Councillor will be requested to attend the Scrutiny Committee and informed that s/he will have five minutes in which to address the Scrutiny Committee . The Scrutiny Committee may then wish to question the Councillor further before deciding how it intends to take the matter forward. This could include:
- 7.46.11.1 asking the relevant responsible authorities to respond to the CCfA;
 - 7.46.11.2 setting up a research or task and finish group to undertake a more in-depth review;
 - 7.46.11.3 asking for further evidence and/or witnesses to be brought to a future meeting. The Scrutiny Committee has the power to request “designated persons”⁷ such as representatives from other public bodies/agencies to attend, where relevant, and to request information.

Potential Outcomes From a CCfA

- 7.47.1 A Scrutiny Committee could:
- 7.47.1.1 determine that it is a complex issue that requires further investigation and commission a scrutiny review of the issue;
 - 7.47.1.2 write a response and make recommendations on the CCfA to a relevant responsible authority;
 - 7.47.1.3 decide that further action is not appropriate giving its reasons.
- 7.47.2 Once a Scrutiny Committee has completed its work, the Councillor who made the referral will receive a copy of any response or recommendations made.

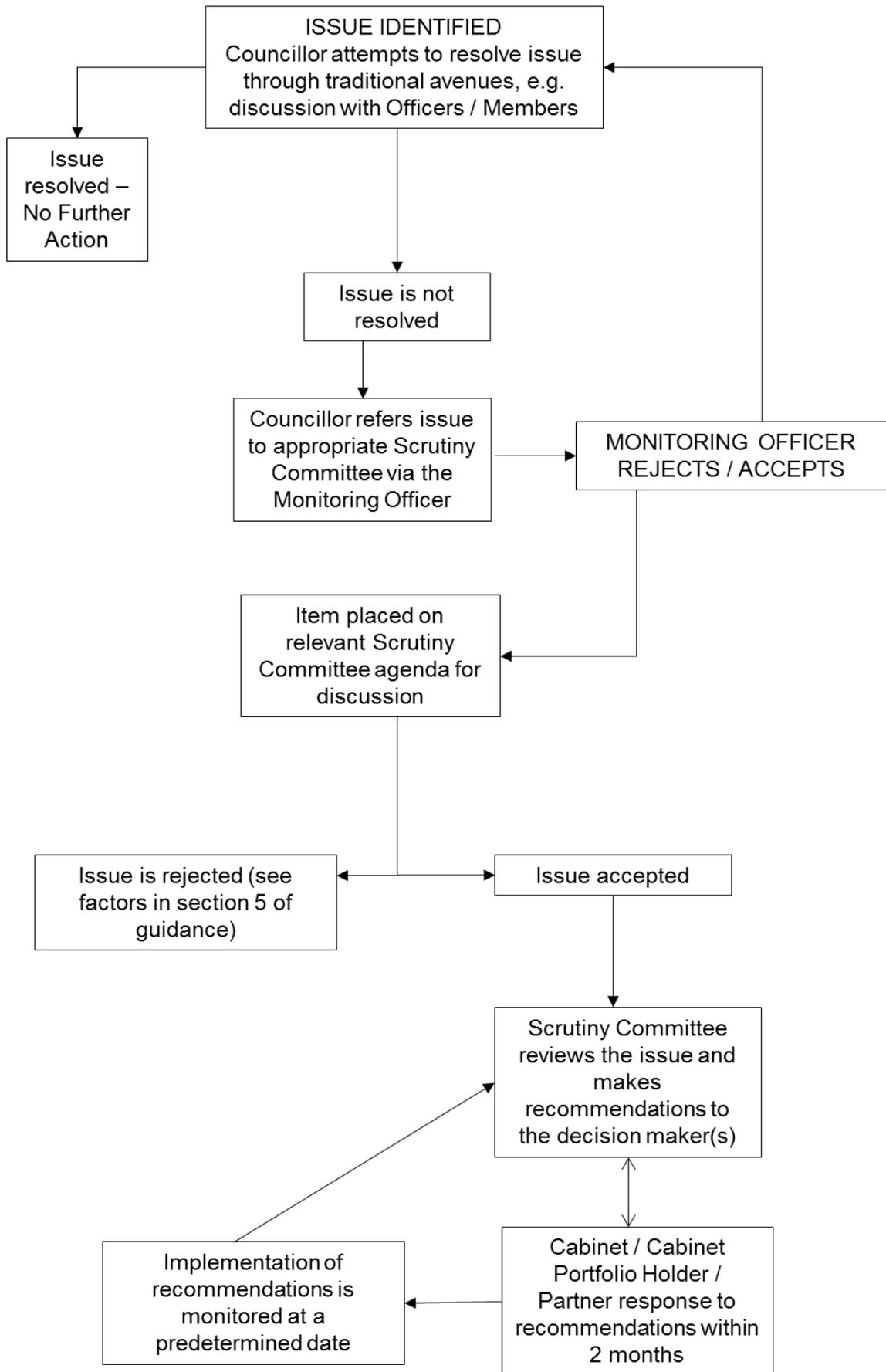
Timescales for Dealing With a CCfA

- 7.48.1 Within 10 working days of receipt of a CCfA the chair of the relevant Scrutiny Committee will consult with the Monitoring Officer to determine if the criteria set out in Rule 7.46.9 above have been met so as to ensure that it is appropriate for the CCfA to be dealt with at the next meeting of the Scrutiny Committee.
- 7.48.2 In exceptional circumstances, for example where there are unavoidable time constraints, the chair may convene a special meeting of the Scrutiny Committee.
- 7.48.3 Should a CCfA result in recommendations to the Cabinet or other responsible authorities, they will be requested to make a response to the recommendations within 28 days and two months respectively.
- 7.48.4 The Scrutiny Committee will monitor implementation of any recommendations as part of its Forward Work Programme.

⁷ The Welsh Government have yet to publish a list of “designated persons”.

7.49

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Councillor Call for Action Referral Form 7.50

Name of Scrutiny Committee	
Date given to the Monitoring Officer	
Name of Councillor making CCfA	Councillor
Councillor's Electoral Division	
Councillor's Address	
Councillor's Telephone	
Councillor's E-mail	
SUBJECT of CCfA	
Details Please briefly explain what the issue is and how it affects either all or part of your electoral area, or how it affects someone who lives or works in your electoral division.	
Action taken to date Please explain what steps you or others have taken, and with whom, to try to resolve the issue (please tick the actions you or others have taken to date) or add additional actions.	<input type="checkbox"/> Informal discussions with Officers or other councillors <input type="checkbox"/> Informal discussions with partner representatives <input type="checkbox"/> Referral to other "scrutiny" bodies such as Community Health Councils or internal audit committee <input type="checkbox"/> Formal discussions with Officers and councillors <input type="checkbox"/> Formal letters to the Cabinet members <input type="checkbox"/> Asking questions at Full Council <input type="checkbox"/> Submitting a motion to Full Council <input type="checkbox"/> Organising public meetings <input type="checkbox"/> Use of petitions <input type="checkbox"/> Making a complaint <input type="checkbox"/> Freedom of Information requests <input type="checkbox"/> Communication with local AMs or MPs <input type="checkbox"/> Use of social media or email based campaigns

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	Other Actions (Please Specify).
Expected Outcome Please describe the outcome you hope to gain via this referral.	
Papers attached Please list documents attached which should evidence the impact of the issue, the steps taken and any responses received.	1. 2. 3. 4. 5. 6.

Administration only.

Date received by Monitoring Officer	
Date CCfA accepted by Monitoring Officer	
Date of Next Scrutiny Committee Meeting	

Notes for Councillors:

- 7.51.1 The following criteria will be taken into consideration when a Scrutiny Committee decide whether to progress with your CCfA:
- 7.51.1.1 have all reasonable attempts been made to resolve the issue? Do the responses received by you demonstrate that the matter is not being progressed?
 - 7.51.1.2 has the committee considered a similar issue recently – if yes have the circumstances or evidence changed?
 - 7.51.1.3 is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA hearing. Relevant time pressures on resolving the CCfA should be taken into account.

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- 7.51.1.4 have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response have you received?
 - 7.51.1.5 is this a case that is being or should be pursued via the Council's corporate complaints procedure?
 - 7.51.1.6 is it relating to a "quasi-judicial" matter or decision such as planning or licensing?
 - 7.51.1.7 is the matter an issue of genuine local concern, which impacts on the local community rather than a personal matter?
 - 7.51.1.8 is this an issue currently being looked at by another form of external scrutiny?
 - 7.51.1.9 and, as with all scrutiny, does the matter referred have the potential for scrutiny to produce recommendations, which could realistically be implemented and lead to improvements for anyone living or working in your electoral division.
- 7.51.2.1 Consider whether your referral might be considered premature by the Scrutiny Committee .
- 7.51.2.2 Consider whether other potential remedies have been exhausted, before a referral is made.
- 7.51.3 Members should be aware that if a premature referral is made, the Committee is likely to refuse to deal with the issue, based on the criteria outlined above. If the Monitoring Officer believes that the referral is premature, s/he will advise you accordingly.

SECTION 7 – SCRUTINY COMMITTEES

Appendix 1 – "Call-In Request"

CALL-IN OF LEADER / CABINET / CABINET COMMITTEE / PORTFOLIO HOLDER DECISION - REQUEST FORM.

CALL-IN REQUEST FOR A MATTER TO BE CALLED-IN BY A SCRUTINY COMMITTEE.

TO: The Monitoring Officer.

I County Councillor _____ Chair of the

Health and Care Scrutiny Committee	YES / NO
Learning and Skills Scrutiny Committee	YES / NO
Economy, Residents, Community and Governance Scrutiny Committee	YES / NO

We 4 County Councillors being Members of the

Health and Care Scrutiny Committee	YES / NO
Learning and Skills Scrutiny Committee	YES / NO
Economy, Residents, Community and Governance Scrutiny Committee	YES / NO

Request the call in of the decision referred to in Schedule 1 (Attached) to be reviewed by the Committee of which [I am Chair] [We are Members].

I / We confirm that the matter is one which falls within the remit of the Committee of which [I am Chair] / [We are Members].

I / We make this request on the ground(s) following written advice from the Monitoring Officer and / or Chief Finance Officer (Attached at Schedule 2):

- (i) that the decision or action is contrary to the policy framework or budget, or falls outside the functions of the Cabinet; and / or
- (ii) that the Cabinet or decision maker had not followed agreed procedures on consultation before reaching its decision; and / or
- (iii) that the Cabinet had not followed, or had failed to take account of, any legal obligations, including regulations or statutory guidance governing the Council's actions, or other guidance adopted by the Council.

Date: _____

Name:	Signature:

SECTION 7 – SCRUTINY COMMITTEES

IMPORTANT NOTE TO CHAIRS AND MEMBERS OF A SCRUTINY COMMITTEE:

If you consider that a Cabinet decision falls within one or more of the categories set out above it is **your** responsibility to obtain from the Monitoring Officer and / or the Chief Finance Officer their written confirmation that he / she / they agree with your view and that their written advice is appended to this request for a Call-In.

This form must be wholly completed – including Schedules 1 and 2 and must be received by the Monitoring Officer **by no later than 5 p.m. on the 5th Working Day following publication of the Cabinet decision.**

Thus by way of example where (as is usually the case) a Cabinet decision is published on a Thursday this completed form must be received by the Monitoring Officer by no later than 5 p.m. on Thursday of the following week. Where a bank holiday Monday intervenes then this deadline will be extended to 5 p.m. on the Friday of the following week.

Chairs / Members are particularly asked to note that incomplete forms **WILL NOT** be accepted nor will those received after 5 p.m. on the 5th day. No exception whatsoever will be made to this rule.

This process applies to all decisions relating to “Cabinet Functions” and so applies equally to decisions of the Leader, the Cabinet a Cabinet Committee or any decision by an individual Portfolio Holder.

PLEASE NOTE the following exceptions which apply to a Call-In Request:

In order to ensure that call-in is not abused or causes undue delay, certain limitations are to be placed on its use. These are:

- (i) that a scrutiny committee may only call-in 5 decisions per year.
- (ii) only decisions involving expenditure or reduction in service over a value of £25,000 may be called-in.
- (iii) four members of a scrutiny committee are needed for a decision to be called-in.
- (iv) once a member has signed a request for a call-in s/he may not do so again until a period of 6 months has expired.
- (v) the decision has not been determined to be urgent and not subject to a Call-In.

SECTION 7 – SCRUTINY COMMITTEES

SCHEDULE 1.

TO BE COMPLETED BY THE CHAIR OR 4 MEMBERS REQUESTING THE CALL-IN.

1.	Leader / Cabinet / Cabinet Committee / Individual Portfolio Holder Decision To Be Called-In (<i>Please include Date of Meeting and Agenda Reference Number</i>):

2. Reason for Call-In:

2.1 What is the reason for the Call-In Request. Please tick which of the conditions which you believe apply:

(i)	that the decision or action is contrary to the policy framework or budget, or falls outside the functions of the Cabinet; and / or	
(ii)	that the Cabinet or decision maker had not followed agreed procedures on consultation before reaching its decision; and / or	
(iii)	that the Cabinet had not followed, or had failed to take account of, any legal obligations, including regulations or statutory guidance governing the Council's actions, or other guidance adopted by the Council.	

2.2 Please provide an explanation in the box below as to why you believe that the conditions in 2.1 above apply.

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(Please continue on a separate sheet if necessary)

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SCHEDULE 2.

TO BE COMPLETED BY THE MONITORING OFFICER AND CHIEF FINANCE OFFICER.

1. Chief Finance Officer’s Advice.

Chief Finance Officer’s Advice on the Call-In Request.

(Please continue on a separate sheet if necessary)

Date: _____

Signature: _____

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2. Monitoring Officer's Advice.

Monitoring Officer's Advice on the Call-In Request.

(Please continue on a separate sheet if necessary)

Date: _____

Signature: _____

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FOR INTERNAL USE ONLY:

(a)	Date of Request to Call-In Decision (as above):	
(b)	Date of Cabinet Decision:	
(c)	Is Date of Request within 5 Working Days of Cabinet Decision:	YES / NO
(d)	Does the matter fall within the remit of the Scrutiny Committee?	YES / NO
(e)	Does the Chief Finance Officer's advice support a Call-In Request:	YES / NO
(f)	Does the Monitoring Officer's advice support a Call-In Request:	YES / NO
(g)	Signature(s) of Chair or 4 Members of Relevant Committee included:	YES / NO
(h)	Call-In Notice to be Issued:	YES / NO

(i)	Date of Committee Meeting to consider Call-In (within 10 working days of issue of notice):	
(j)	Name(s) of Relevant Cabinet Portfolio Holders to be Invited to Attend Meeting:	
(k)	Details of Heads of Service to be Invited to Attend Committee:	
(l)	Cabinet Portfolio Holders Heads of Service Advised of Committee Meeting (<i>insert date</i>):	YES / NO
(m)	Questions and Checklist prepared for the Committee:	YES / NO

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Appendix 2 – “Call-In Notice”

TO BE COMPLETED BY THE MONITORING OFFICER AND CHIEF FINANCE OFFICER.

1. Chief Finance Officer.

1.1 Please tick which of the conditions which you believe apply for a “Call-In Notice” to be issued:

(i)	that the decision or action is contrary to the policy framework or budget, or falls outside the functions of the Cabinet; and / or	
(ii)	that the Cabinet or decision maker had not followed agreed procedures on consultation before reaching its decision; and / or	
(iii)	that the Cabinet had not followed, or had failed to take account of, any legal obligations, including regulations or statutory guidance governing the Council’s actions, or other guidance adopted by the Council.	

Please set out the reasons why it is believed that one or more of the conditions are satisfied:

(Please continue on a separate sheet if necessary)

Date: _____

Signature: _____

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2. Monitoring Officer.

2.1 Please tick which of the conditions which you believe apply for a “Call-In Notice” to be issued:

(i)	that the decision or action is contrary to the policy framework or budget, or falls outside the functions of the Cabinet; and / or	
(ii)	that the Cabinet or decision maker had not followed agreed procedures on consultation before reaching its decision; and / or	
(iii)	that the Cabinet had not followed, or had failed to take account of, any legal obligations, including regulations or statutory guidance governing the Council’s actions, or other guidance adopted by the Council.	

Please set out the reasons why it is believed that one or more of the conditions are satisfied:

(Please continue on a separate sheet if necessary)

Date: _____

Signature: _____

Report to the Democratic Services Committee

Establishing a New Panel to Promote the Welsh Language and Provide Oversight for Welsh Language Provision within Powys County Council

Background

During the last few years, there have been many changes to the way the Council is required to provide services through the medium of Welsh, to promote the Welsh language through its work, to consider the impact of its decisions on the Welsh language, and how the impact can be mitigated, and to increase the use of the Welsh language and number of Welsh speakers within the county.

The Welsh Government's legislation and strategies which relate to the way Local Authorities must operate through the medium of Welsh, develop the use of the Welsh language and increase the number of Welsh speakers include;

- The Welsh Language (Wales) Measure 2011 and the Welsh Language Standards – providing services, developing policies, internal use, record keeping and duties to promote
- Welsh Government's Cymraeg 2050 Strategy, to achieve a Million Welsh Speakers by 2050
- More than Just Words: Welsh Government's Strategic Framework for providing services in Welsh within Health and Social Care.

Currently, although there are several partnership forums that the Council is part of which discuss the Welsh language, there isn't an internal forum to discuss these aspects specifically within Powys County Council, to enable open and detailed discussions to ensure these issues are considered sufficiently within the Council's political structures, strategies and decisions, and to ensure sufficient consideration to the Council's impact and influence on the Welsh language within the County.

It is therefore proposed that a new Panel is established, under the Democratic Services Committee's structure, and which will report to that committee, to look at the Council's services and plans within a Welsh language context.

The Purpose of the Panel

The purpose of the new Panel, if approved, will be to;

- Oversee the work of other groups considering Welsh language issues within the Council, e.g. Welsh Language Support, Promotion and Challenge Group; Welsh Language Education Forum; Officers Group* (yet to be established) by receiving reports and setting a direction for the work of those groups
- Consider the Council's main strategies and plans, to ensure the Welsh language is sufficiently considered, and proposing ways in which the Welsh language can be promoted within those plans and strategies
- Consider samples of Welsh Language Impact Assessments, which are required under the Welsh Language Standards, to ensure sufficient attention is given to the impact of the Council's decisions on the Welsh language, to look at how our considerations could be strengthened to achieve a better impact, and that appropriate mitigation is proposed if any adverse impacts are identified
- Recommend ways in which the Council's strategies and plans could contribute towards the Welsh Government's goal of achieving one million Welsh speakers by 2050
- Consider how we can increase the use of the Welsh language internally within the Council

- Receive reports on Powys County Council’s compliance with the Welsh Language Standards under the Welsh Language (Wales) Measure 2011
- The Panel will meet every quarter, with meetings arranged to fit with the Democratic Services Committee timetable
- The Panel’s meetings will be held through the medium of Welsh, with simultaneous translation provided when required to enable non-Welsh speaking members and officers to participate in the discussion

Reporting

This new Panel, if approved, will report to Powys County Council’s Democratic Services Committee, with meetings arranged to ensure an appropriate timetable to consider aspects of the Council’s work relating to the Welsh language, to fit with the Democratic Services Committee’s timetable.

Membership

It is proposed that the new Panel, if approved, is chaired by the Chairperson / Member of Powys County Council’s Democratic Services Committee.

It is proposed that the Panel’s membership includes;

- The Welsh Language Portfolio Holder
- One member from each political group represented on the Council, to ensure cross-party input and support to the discussions

Appropriate officers will also attend and support the Panel’s work.

Implementation

To support the work and direction of the Panel more widely within the Council, it is also proposed that a Welsh Language Promotion Officer’s Group is established, with at least one representative from each service area, which will be responsible for promoting the Welsh language and supporting the implementation on the Welsh Language Standards within their service.

Members of the group should be influential officers within their service, to ensure that sufficient attention is given to the issues discussed.

This group will be co-ordinated by Powys County Council’s Welsh Language Officer, and will report to the Welsh Language Promotion and Supervision Panel.

Recommendation:	Reason for Recommendation:
That the Democratic Services Committee recommends to Full Council that a new Panel be established to Promote the Welsh Language and Oversee Welsh Language Provision within Powys County Council	To ensure sufficient consideration is given to the Welsh language within Powys County Council’s plans and strategies, to promote the use of the Welsh language and increase the number of Welsh speakers, and ensure Council services operate according to the requirements of the Welsh Language Standards

Adroddiad i'r Pwyllgor Gwasanaethau Democrataidd

Sefydlu Panel Newydd i Hybu'r Iaith Gymraeg a Goruchwylio Darpariaeth Cymraeg o fewn Cyngor Sir Powys

Cefndir

Dros y blynyddoedd diwethaf, cafwyd cryn newidiadau yn y ffordd mae gofyn i'r Cyngor ddarparu gwasanaethau trwy gyfrwng y Gymraeg, hybu a hyrwyddo'r Gymraeg trwy ei waith, ystyried effaith ei benderfyniadau ar y Gymraeg, a sut gellir eu haddasu i wella'r effaith honno, ac ar gyfer cynyddu'r defnydd o'r Gymraeg a nifer y siaradwyr Cymraeg o fewn y Sir.

Mae deddfwriaeth a strategaethau Llywodraeth Cymru sy'n ymwneud â'r modd mae'n ofynnol i Awdurdodau Lleol weithredu trwy gyfrwng y Gymraeg, datblygu defnydd o'r iaith a chynyddu nifer y siaradwyr Cymraeg yn cynnwys;

- Mesur y Gymraeg (Cymru) 2011 a Safonau'r Gymraeg – cynnig gwasanaethau, datblygu polisi, defnydd mewnol, cadw cofnodion a dyletswydd hyrwyddo
- Strategaeth Cymraeg 2050 Llywodraeth Cymru, i sicrhau Miliwn o Siaradwyr Cymraeg erbyn 2050
- Mwy na Geiriau: Fframwaith Strategol Llywodraeth Cymru ar gyfer cynnig gwasanaethau yn yr iaith Gymraeg ym Maes Iechyd a Gofal Cymdeithasol.

Ar hyn o bryd, er bod nifer o fforymau partneriaeth y mae'r Cyngor yn rhan ohonynt sy'n trafod y Gymraeg, nid oes fforwm fewnol ar gyfer rhoi ystyriaeth i'r agweddau hyn o fewn Cyngor Sir Powys, i alluogi trafodaethau agored a manwl i sicrhau fod yr agweddau hyn yn cael sylw digonol o fewn strwythurau gwleidyddol, a strategaethau a phenderfyniadau'r Cyngor, a sicrhau fod ystyriaeth addas i effaith a dylanwad y Cyngor ar yr iaith Gymraeg o fewn y Sir.

Y cynnig felly yw sefydlu Panel newydd, sydd yn eistedd o dan strwythur y Pwyllgor Gwasanaethau Democrataidd, ac yn adrodd i'r Pwyllgor hwnnw, fydd yn gallu edrych ar wasanaethau a chynlluniau'r Cyngor yng nghyd-destun yr iaith Gymraeg.

Diben y Panel

Diben y Panel newydd hwn, o gael ei gymeradwyo gan y cyngor, fydd;

- Goruchwylio gwaith grwpiau eraill sy'n gweithredu ym maes yr iaith Gymraeg o fewn y Cyngor, e.e. Grŵp Hyrwyddo, Herio a Chefnogi'r Gymraeg, Fforwm Addysg Gymraeg, Grŵp Swyddogion* (eto i'w sefydlu) trwy dderbyn adroddiadau a gosod cyfeiriad ar gyfer gwaith y grwpiau hynny
- Ystyried prif strategaethau a chynlluniau'r Cyngor, i sicrhau fod ystyriaeth ddigonol i'r iaith Gymraeg a chynnig ffyrdd o hybu a hyrwyddo'r Gymraeg o fewn y cynlluniau a'r strategaethau hynny
- Ystyried samplau o Asesiadau Effaith ar y Gymraeg, sy'n ofynnol o dan Safonau'r Gymraeg, i sicrhau fod sylw digonol yn cael ei roi i effeithiau penderfyniadau'r Cyngor ar y Gymraeg, i edrych sut y gellid cryfhau ein hystyriaethau i gael gwell effaith, a bod mesurau lliniaru addas yn cael eu cynnig yn sgil unrhyw effeithiau andwyol
- Argymhell sut y gallai strategaethau a chynlluniau'r Cyngor gyfrannu tuag at weledigaeth Llywodraeth Cymru o sicrhau miliwn o siaradwyr Cymraeg erbyn 2050
- Ystyried sut gellir cynyddu'r defnydd o'r iaith Gymraeg yn fewnol o fewn y Cyngor
- Derbyn adroddiadau am gydymffurfiaeth Cyngor Sir Powys â Safonau'r Gymraeg o dan Fesur y Gymraeg (Cymru) 2011

- Bydd y Panel yn cwrdd yn chwarterol, gyda'r cyfarfodydd wedi'u trefnu i gyd-fynd ag amserlen y Pwyllgor Gwasanaethau Democraidd
- Bydd cyfarfodydd y Panel yn cael eu cynnal trwy gyfrwng y Gymraeg, gyda gwasanaeth cyfieithu ar y pryd yn cael ei ddarparu lle bo angen i ganiatáu i aelodau neu swyddogion di-Gymraeg gymryd rhan yn y drafodaeth.

Adrodd

Bydd y Panel newydd hwn, o'i gymeradwyo, yn adrodd i Bwyllgor Gwasanaethau Democraidd Cyngor Sir Powys, gyda'r cyfarfodydd yn cael eu trefnu fel bod amserlen addas ar gyfer ystyried gwahanol agweddau ar waith y Cyngor mewn perthynas â'r Gymraeg i gyd-fynd ag amserlen y Pwyllgor Gwasanaethau Democraidd.

Aelodaeth

Cynigir fod y Panel newydd hwn, o'i gymeradwyo yn cael ei gadeirio gan Gadeirydd / Aelod o Bwyllgor Gwasanaethau Democraidd Cyngor Sir Powys.

Cynigir fod aelodaeth y Panel yn cynnwys;

- Aelod Portffolio'r Gymraeg
- Un cynrychiolydd o bob grŵp gwleidyddol sy'n cael ei gynrychioli ar y Cyngor, i sicrhau mewnbyn a chefnogaeth trawsbleidiol i'r trafodaethau

Bydd swyddogion priodol hefyd yn mynychu a chefnogi gwaith y Panel.

Gweithredu

Er mwyn cefnogi gwaith a chyfeiriad y Panel yn ehangach o fewn y Cyngor, cynigir hefyd bod Grŵp Swyddogion Hyrwyddo'r Gymraeg yn cael ei sefydlu, gydag o leiaf un cynrychiolwr o bob maes gwasanaeth, fydd yn gyfrifol am gefnogi hybu a hyrwyddo'r Gymraeg a chefnogi gweithredu Safonau'r Gymraeg o fewn eu gwasanaethau.

Dylai aelodau'r grŵp hwn fod yn swyddogion dylanwadol o fewn eu gwasanaethau i sicrhau bod sylw digonol yn cael eu roi i'r materion a drafodir.

Bydd y grŵp hwn i'w gydlynu gan Swyddog Iaith Gymraeg Cyngor Sir Powys, a bydd yn adrodd i Panel Hybu a Goruchwylio'r Gymraeg.

Argymhelliad:	Rheswm:
Fod y Pwyllgor Gwasanaethau Democraidd yn argymhell i'r Cyngor Llawn fod Panel newydd yn cael ei sefydlu i Hybu'r Iaith Gymraeg a Goruchwylio Darpariaeth Cymraeg o fewn Cyngor Sir Powys	I sicrhau fod ystyriaeth ddigonol yn cael ei rhoi i'r iaith Gymraeg o fewn cynlluniau a strategaethau Cyngor Sir Powys, i hybu a hyrwyddo'r defnydd o'r Gymraeg a chynyddu nifer y siaradwyr Cymraeg, a sicrhau fod adrannau'r Cyngor yn gweithredu yn ôl gofynion Safonau'r Gymraeg